

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
2/3/15 145PM

The filing is not official until stamped by the Town Clerk

Filing Fee paid: \$ 200.00 Check # 1322
75.00 1325

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.

Debbie 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 Mandana Haddad Date: 1

MANDANA HADDAD

Print Name

3 Abenaki Trail

Address

Littleton, MA, 01460

Town, State, Zip

617-775-4690

Phone #

mhaddad@global-pmr.com

Email Address

Deed Reference: Bk 23739 Page 327

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

K. Talebi 1/21/15
Signature Date

KAYHAN TALEBI

Print Name (if different from petitioner)

508-572-0545

Phone #

K.Talebi@global-pmr.com

Email

Address (if different from petitioner)

ASSESSOR MAP & PARCEL NUMBER U47-106

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

Check box if
applicable

☐ AQUIFER DISTRICT

☐ WATER RESOURCE DISTRICT

FILING FEES
Residential Property \$200 to Town of Littleton
Commercial Property \$350 to Town of Littleton
Comprehensive Permit \$1000 + \$100/unit over 10 units

ADDITIONAL FEES(all applications)
\$75 to Comm of Mass-recording fee
\$25 to Town of Littleton-abutter list
Legal Notice publication fee due prior to opening 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 § _____

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.c40B

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? _____
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.*

Mandana Haddad
Signature

MANDANA HADDAD
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

NOTES:

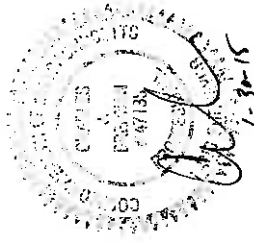
- 1.) THIS PLAN WAS PREPARED TO SHOW EXISTING DWELLING RELATIVE TO PROPERTY LINES.
- 2.) THE PLAN WAS PREPARED BY PERFORMING AN INSTRUMENT SURVEY IN APRIL OF 2014.
- 3.) NO UTILITY LOCATION, RESEARCH OR PLOTTING PERFORMED.
- 4.) NO TITLE EXAMINATION PROVIDED, THEREFORE OTHER EASEMENTS NOT SHOWN HEREON COULD EXIST.
- 5.) SEPTIC SYSTEM AREA IS SHOWN APPROXIMATELY.
- 6.) PROPOSED SIZE AND LOCATION OF FOUNDATION PROVIDED BY BARTLETT HARVEY.

RECORD OWNER:

KAYHAN & KAMRAN TALEBI
3 ABENAKI TRAIL, LITTLETON, MA

REFERENCES:

DEED BOOK 23739, PAGE 327



MERIDIAN BASED ON PLAN 240 OF 2001

**PROPOSED
PLOT PLAN**

OF LAND IN
LITTLETON, MASSACHUSETTS
AT 3 ABENAKI TRAIL

PREPARED FOR

MANDANA HADDAD

BY

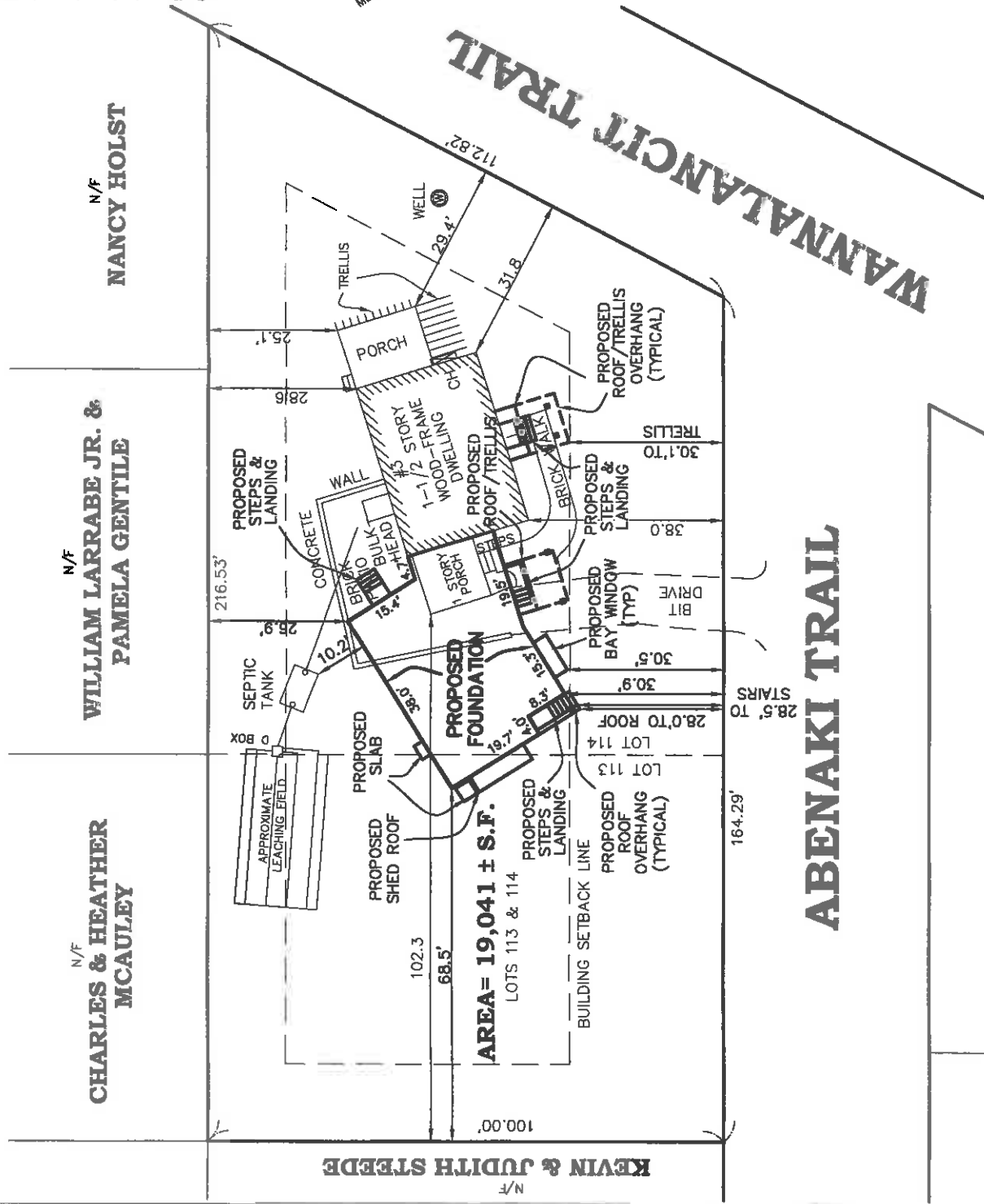
SUMMIT SURVEYING, INC.

285 LITTLETON ROAD, SUITE 2, WESTFORD, MA 01886
CEREN@SUMMITSURVEYING.COM
TEL. 978-692-7109

0 10 20 40 80

4-14-14 1" = 20 FT. 14-0116

REVISION: PROPOSED BUILDING BY: CJB DATE: 1-26-15



**CHARLES & HEATHER
MCAULEY**

**WILLIAM LARRABE JR. &
PAMELA GENTILE**

NANCY HOLST

KEVIN & JUDITH STEDE

ABENAKI TRAIL

AREA= 19,041 ± S.F.

LOTS 113 & 114

BUILDING SETBACK LINE

PROPOSED
ROOF
OVERHANG
(TYPICAL)

PROPOSED
STEPS &
LANDING

PROPOSED
SLAB

PROPOSED
SHED ROOF

SEPTIC
TANK

APPROXIMATE
LEACHING FIELD

PROPOSED
STEPS &
LANDING

CONCRETE
WALL

BRICK
BULK-
HEAD

1-1/2 STORY
WOOD-FRAME
DWELLING

PROPOSED
ROOF/TRELLIS

BRICK
WALK

PROPOSED
STEPS &
LANDING

PROPOSED
ROOF/TRELLIS
OVERHANG
(TYPICAL)

PROCH

TRELLIS

WELL

29.4'

31.8

112.82'

25.1'

28.6

216.53'

10.2'

15.4'

19.5'

30.1'

38.0

30.9'

30.9'

28.0' TO ROOF

28.5' TO STAIRS

LOT 114

LOT 113

164.29'

68.5'

102.3

100.00'

2. Why we need a variance.

Three major factors constrained the design of the proposed addition of a family room and studio, which can be adapted for single floor aging-in-place living at the time owners wish to partake of it. Currently, it will be used as entertainment studio.

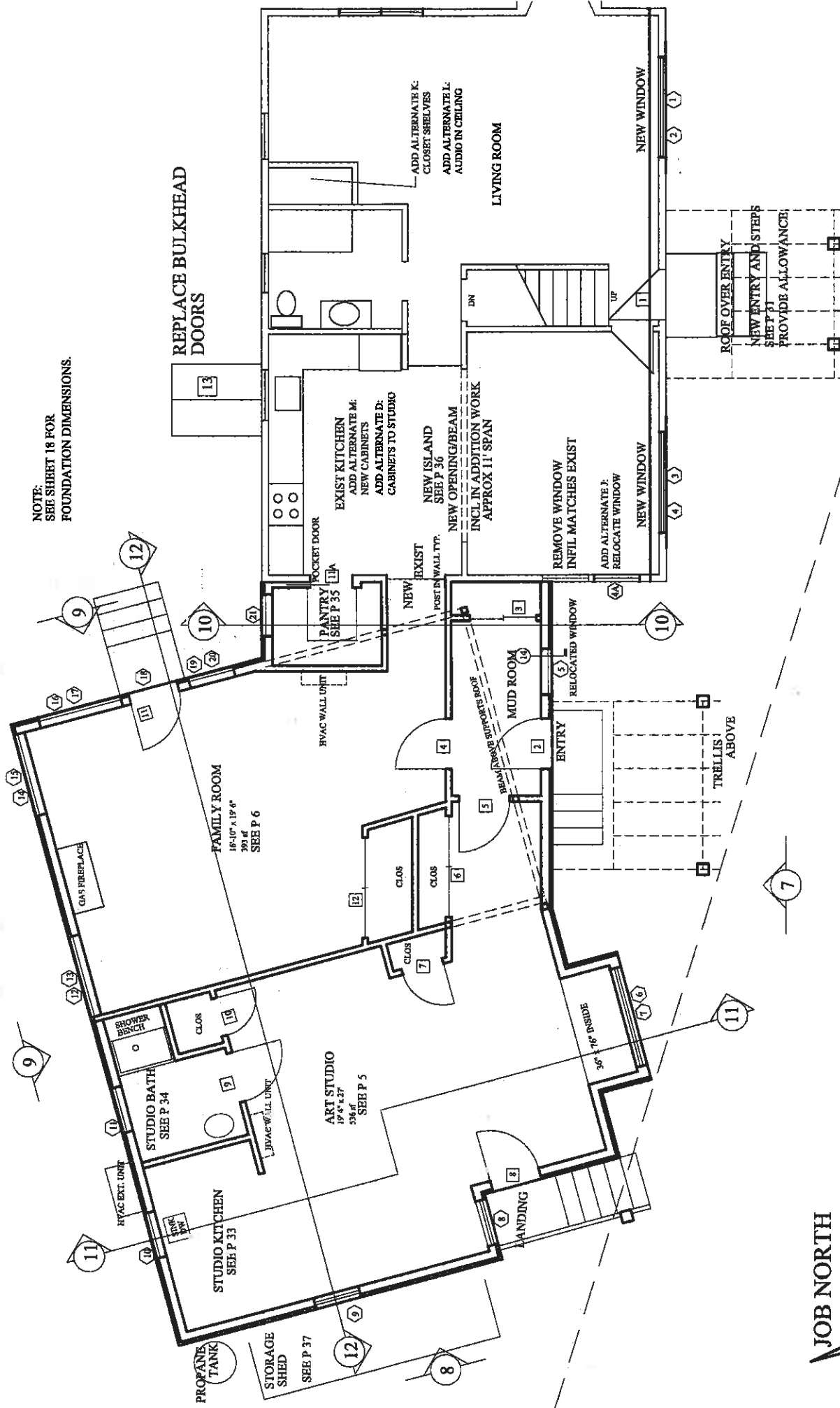
- ❖ The first is the location of the septic tank in the back yard, which limits expansion to the rear. The back wall of the addition is about three inches from the ten-foot radius around the rear corner of the tank to avoid having to deal with that issue.
- ❖ The second factor is the owners' need to have the addition extends towards Abenaki Trail in order to reduce the distance between the driveway and entry, and in order to form a sense of enclosure around the new entrance to the building. The street frontage setback constrains expansion in that direction. The original design had a lower floor level and had a different roof structure, avoiding the post now shown about 18" into the setback area. Design changes made in consultation with the contractor simplified the roof line considerably but made the post necessary, along with longer stairs leading to the studio rear door. These design changes also reduces construction cost extensively, offering single floor living in the future and additional energy efficiency.
- ❖ The third factor is the closeness of the rear neighbor's recently expanded house to the rear lot line; one reason for the angle of the addition is to shift the sight-lines from the family room away from the rear neighbor and towards a small wooded area adjacent to the back yard.

3. We meet the minimum requirements of a variance.

The way the original house, and the septic system, are sited on the lot imposes limits on the addition's location. The angle, as noted above, was chosen for reasons related to the neighbors to the rear and the sequence of entering the addition from the driveway. The shape of the addition was chosen for its efficiency and structural simplicity, and to avoid extending further than necessary to the west away from the house because the ground drops off substantially in that direction. The variance being requested is for a minimal dimension of approximately 14" for a single post and a maximum of 2'-11" if additional risers for the exterior (wood) stairs are required (due to grading unknowns). No part of the foundation wall, and no other parts of the proposed project are closer than 7" to the setback line.

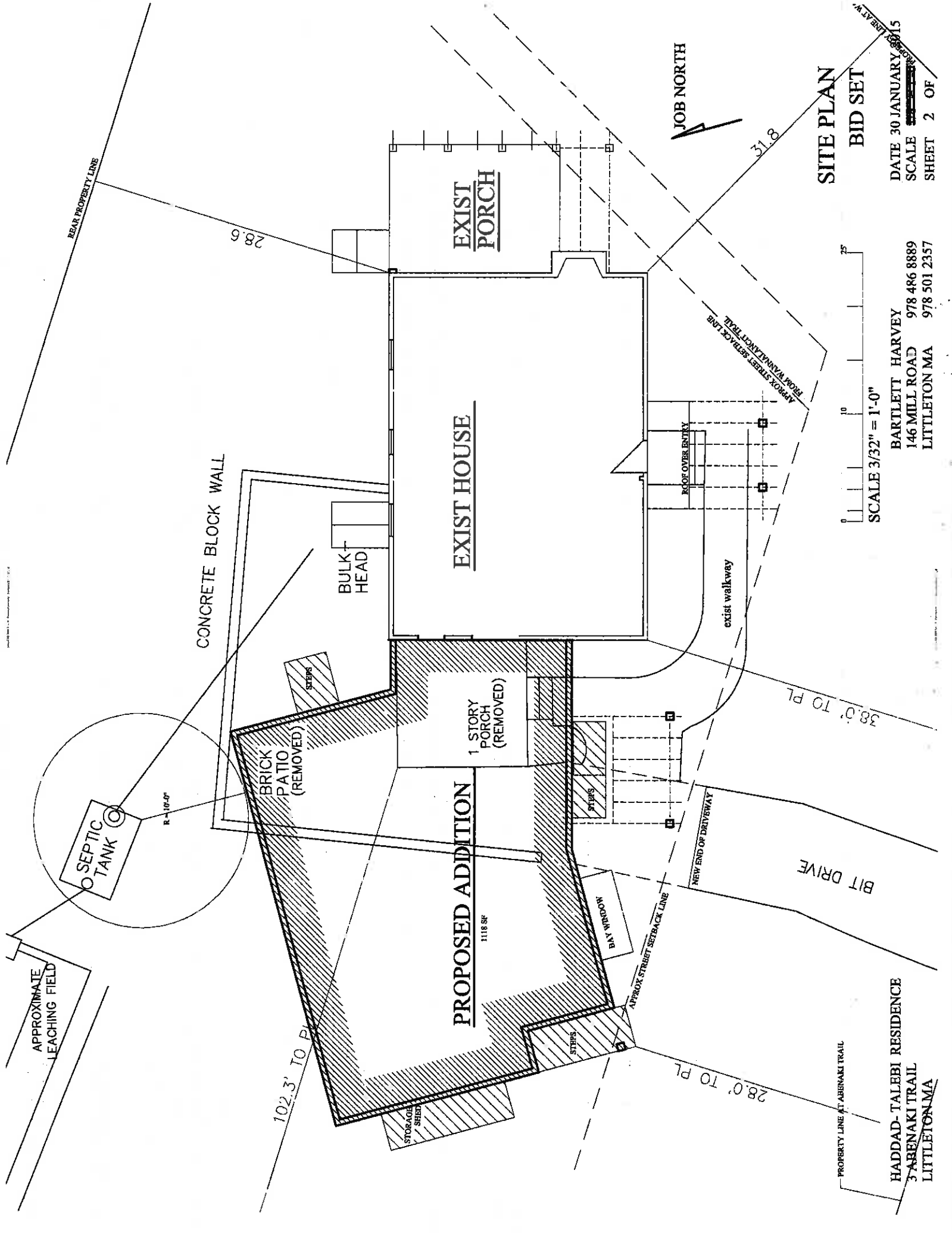
The addition is intended to be adaptable for future aging-in-place, and is a single story at the main floor level of the house; it cannot reasonably be moved on the site, or its shape changed without incurring additional expense for larger and deeper foundations due to the slope, and/or the loss of its functionality.

NOTE:
SEE SHEET 18 FOR
FOUNDATION DIMENSIONS.



JOB NORTH

GROUND FLOOR PLAN BID SET



SITE PLAN

BID SET

DATE 30 JANUARY 2015
SCALE 3/32" = 1'-0"
SHEET 2 OF 2

SCALE 3/32" = 1'-0"

BARTLETT HARVEY
146 MILL ROAD
LITTLETON MA 01460
978 486 8889
978 501 2357

HADDAD-TALEBI RESIDENCE
3 ARENAKI TRAIL
LITTLETON MA 01460