

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-law. 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 heard 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 Enforcement 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-law provides 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, covenants 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 22% 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 is 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-law 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-law 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 applicant, 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.

201 #300.00
#1008

ZBA Case No. 40 Powers Rd
Site address

TOWN OF LITTLETON
BOARD OF APPEALS
37 Shattuck Street
P.O. Box 1385
Littleton, MA 01460
Tel: 978-640-2420

APPLICATION FOR PUBLIC HEARING
Pursuant to MGL Chapter 40A, 40B and 41 and the Littleton Zoning By-law
TOWN USE ONLY
Received by the Town Clerk Office
9/8 9/11/15
The filing is not official until stamped by the Town Clerk
Filing Fee paid: \$ 360 Check # 1008

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.

9/8/15 9/11/15
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 Richard Christano Date: 8/17/15
Print Name RICHARD CHRISTANO
Address 40 POWERS RD
LITTLETON MA 01460
Town, State, Zip
Phone # 978 8211345
Email Address RICHCHRISTANO@GMAIL.COM
Dead Reference: Rt. _____ Page _____
Signature Richard Christano Date 8/17/15
Print Name RICHARD CHRISTANO
Address 40 POWERS RD
LITTLETON MA 01460
Town, State, Zip
Phone # 978 8211345
Email Address RICHCHRISTANO@GMAIL.COM

ASSESSOR MAP & PARCEL NUMBER
ZONING DISTRICT: R VC B 1A IB (Circle all that apply)
Check box if ☐ AQUIFER DISTRICT
☐ WATER RESOURCE DISTRICT
APPLICABLE
ADDITIONAL FEES (all applications)
\$ 75 to Town of Littleton
\$ 35 to Town of Littleton
\$ 1000 + \$100/unit over 10 units
Legal Notice publication fee due prior to opening hearing

ZBA Case No. 201A Site address 40 Powers Rd

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 cite 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 petitioners 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 §

17348

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

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. Applicants 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 sections and application request(s). His review may save time by preventing delays in the hearing process.

2. Apply for a certified abutter list with the Assessor's 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 Submittal:— 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) section 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 vital 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

Richard and Sara Christiano
DBA Garrison 1675 LLC

Current address: 468 Marrett Road,
Lexington MA 02421

Future address:
40 Powers Road
Littleton MA 01460

Ricchristiano@gmail.com
Ph 978 821 1345

Dear Board of Appeals:

Please accept my application for a 40A Special Permit to establish a two family residence at 40 Powers Road, Littleton MA. My wife and I are moving to Littleton in the next year with our 26 year old son Guy, who is developmentally disabled (autistic). Our intention is to create a living situation for him, two roommates (also with similar developmental disabilities) and a live in caregiver. My wife Sara and I will live in the connected but separate dwelling at the same address. As we grow older our hope is to create a living situation for our son to help him develop more independence and develop 'skills of daily living'. This would be better accomplished if he were living with peers and a caregiver to help develop those skills.

The original house on the property was built in the mid 1840's and we are adding on living space for the roommates and us (my wife and I). Having a two family designation will better allow us to foster an independent living situation for our son and the two roommates.

Thank you for your consideration in this matter.

Richard, Sara and Guy Christiano

Middlesex South Registry of Deeds
Electronically Recorded Document

This is the first page of the document - Do not remove

Recording Information

Document Number	: 91231
Document Type	: DEED
Recorded Date	: June 15, 2015
Recorded Time	: 02:48:54 PM
Recorded Book and Page	: 65543 / 26
Number of Pages(including cover sheet)	: 3
Receipt Number	: 1823214
Recording Fee (including excise)	: \$1,949.00

MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001
Date: 06/15/2015 02:48 PM
Ctrl# 223780 03144 Doc# 00091231
Fee: \$1,824.00 Cons: \$400,000.00

Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.cambridgedeeds.com

QUITCLAIM DEED

I, John McGeoghean, a married man, of 135 Prospect Hill Road, Harvard, MA 01451,

For consideration of Four Hundred Thousand (\$400,000.00) Dollars,

Grant to Garrison 1675, LLC, a Massachusetts limited liability company with a principal office located at 468 Marrett Road, Lexington, MA 02421,

With Quitclaim Covenants,

The land, with the buildings thereon, situated in said Littleton, containing four (4) acres, more or less, of land, being bounded and described as follows:

Beginning at the easterly corner of the premises on Power Road at land now or formerly of Paul J. and Vera E. Koski; thence

SOUTHWESTERLY on Power Road to land formerly of Thomas M. Moore, thence

WESTERLY by said Moore land as the wall runs three hundred fifty-three (353) feet, more or less, to a corner, thence

SOUTHERLY at a right angle with the wall, eight (8) feet, more or less, from the southerly edge of wall to corner, thence

WESTERLY ten (10) feet, more or less, to a corner, thence

NORTHERLY at right angle to the southerly edge of the wall, eight (8) feet, more or less, all on said land formerly of Moore to a corner at land formerly of Charles W. Houghton, later of Clarence Brown and now ^{or} formerly believed to be of Albert Pickard; thence

NORTHERLY and
EASTERLY as the wall runs by said land, formerly of Houghton and land formerly of John Murphy, later of Edward J. Wright, to land now or formerly of Paul J. and Vera E. Koski; thence

PROPERTY ADDRESS: 40 POWERS ROAD, LITTLETON, MA 01460

SOUTHWESTERLY by said Koski land along the stone wall, two hundred ninety-six (296) feet;
thence

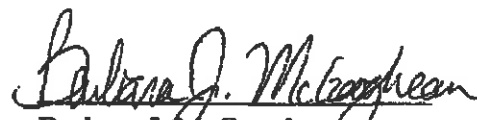
SOUTHEASTERLY by said Koski land, one hundred twenty (120) feet to the point of
beginning.

Meaning and intending to convey the same premises conveyed to me, no matter how else
described, by deed dated November 18, 2003 and recorded at Middlesex South Registry of
Deeds at Book 41460, Page 112.

I, Barbara J. McGeoghean, the spouse of said John McGeoghean, by executing this deed, release
any claims of Homestead that I may hold in the premises.

WITNESS our hands and seals this May 1, 2015.


John McGeoghean

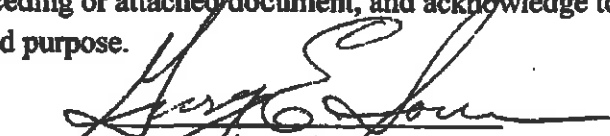

Barbara J. McGeoghean

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

May 1, 2015

On this day, before me the undersigned notary public, personally appeared
JohnMcGeoghean and Barbara J. McGeoghean and proved to me through satisfactory evidence
of identification, which consisted of *MA Drivers Licenses* to be the
persons whose names are signed on the preceding or attached document, and acknowledge to me
that they signed it as voluntarily for its stated purpose.


George E. Sousa Notary Public
My commission expires: *9-2*





Commonwealth of Massachusetts

Title 5 Official Inspection Form

Subsurface Sewage Disposal System Form - Not for Voluntary Assessments

Owner
information is
required for every
page.

40 Powers Road

Property Address

John McGeoghean

Owner's Name

Littleton

City/Town

Ma

State

01460

Zip Code

6/27/2015

Date of Inspection

Inspection results must be submitted on this form. Inspection forms may not be altered in any way. Please see completeness checklist at the end of the form.

Important: When
filling out forms
on the computer,
use only the tab
key to move your
cursor - do not
use the return
key.



A. General Information

1. Inspector:

Blake Johnson

Name of Inspector

Blake Johnson Title V

Company Name

139 Central Ave

Company Address

Ayer

City/Town

(978)413-9950

Telephone Number

MA

State

01432

Zip Code

SI-13738

License Number

B. Certification

I certify that I have personally inspected the sewage disposal system at this address and that the information reported below is true, accurate and complete as of the time of the inspection. The inspection was performed based on my training and experience in the proper function and maintenance of on site sewage disposal systems. I am a **DEP approved system inspector pursuant to Section 15.340 of Title 5 (310 CMR 15.000)**. The system:

☒ Passes

☐ Conditionally Passes

☐ Fails

☐ Needs Further Evaluation by the Local Approving Authority

Inspector's Signature

7/5/2015

Date

The system inspector shall submit a copy of this inspection report to the Approving Authority (Board of Health or DEP) within 30 days of completing this inspection. If the system is a shared system or has a design flow of 10,000 gpd or greater, the inspector and the system owner shall submit the report to the appropriate regional office of the DEP. The original should be sent to the system owner and copies sent to the buyer, if applicable, and the approving authority.

****This report only describes conditions at the time of inspection and under the conditions of use at that time. This inspection does not address how the system will perform in the future under the same or different conditions of use.