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1/31/14 DA
9:15 AM



OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

LITTLETON, MASSACHUSETTS 01460

Hearing date 3/20/14
7:15pm

Board Use Only ... Case # 828A Filing Date 1/30/14

The undersigned, having standing in this matter, hereby petitions the Littleton Board of Appeals for a VARIANCE SPECIAL PERMIT and/or APPEAL (Check all that apply)
as specified below and as provided by the Town of Littleton Zoning Bylaw

1. LOCATION OF THE PROPERTY:

Please print

A. Street Address 53 Ayer Road, Littleton, MA

B. Assessors' Map and Parcel # R21 9-0

1A Zoning District Aquifer District X Water Resource District

C. Deed Reference 60128/229

2. LITTLETON ZONING BYLAW SECTION(S)

A. Variance 173-35(c)

B. Special Permit

C. Appeal

3. STATE BRIEFLY REASONS FOR THIS PETITION Use additional sheets, if necessary

To attach a sign consisting of two parts as shown on the
Plan submitted herewith. See attached Memorandum in Support
thereof.

4. PETITIONER(S) FIBA Technologies, Inc.

 Owner ☒ Tenant Licensee Agreed Purchaser Agent Other

NOTE: If petitioner is not the owner, furnish written authorization from owner below.

[Signature]
Signature

1535 Grafton Road, Millbury, MA 01527

Mailing Address

1-20-14
Date

Telephone #

Town Clerk Use ONLY Filing Fee Paid \$ 350.00 CK# 46578
Registry Fee Paid \$ 75.00 CK 46512 Date 1/31/14

MEMORANDUM

TO: TOWN OF LITTLETON PLANNING BOARD
FROM: LAW OFFICES OF JERRY C. EFFREN ON BEHALF OF FIBA TECHNOLOGIES INC.
SUBJECT: 53 AYER ROAD, LITTLETON, MA APPLICATIONS FOR SPECIAL PERMIT AND SITE PLAN MODIFICATION APPROVAL
DATE: 12/17/2013

Introduction

FIBA Technologies, Inc (“FIBA”) is a leading manufacturer, tester and re-qualifier of gas containment and distribution equipment. Headquartered in Millbury, Massachusetts, FIBA also has locations in Lafayette, Louisiana, Louisville, Kentucky and East Greenville, Pennsylvania. FIBA’s acquired 53 Ayer Road (the “Property”) to replicate and expand its operation in Millbury at the Littleton location. The building on this Property had been partially vacant and underutilized for several years and a fair amount of work has been done to restore the building and to customize the interior of the structure to accommodate FIBA’s specific operational requirements. FIBA has obtained a Certificate of Occupancy as the project has been completed.

II. The Site.

The Property is a 62.74 acre lot, comprising two lots, one of which is improved by an existing building with 363,950 square feet. The Property is zoned industrial. Based on municipal records, the building on the Property was constructed in 1965 and later renovated on a few occasion, the last occurring during the mid 1990’s until the new renovations after the Property was purchase by FIBA as referenced above.

III. Sign Proposal and Reasons for Variance

FIBA is proposing two signs which are identical to their logo and signs used at all other locations. The signs are as shown on the plan drafted by Michael Morel architect and dated July 21, 2013 which include the first sign as a "FIBA" logo which is 7 feet 6 inches in height and 16 feet in length ("Logo"). The second sign is directly below the Logo and are the words "FIBA Technologies, Inc" which is 3 feet 6 inches in height and 50 feet in length ("Company Name").

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 of the surface wall area of the building or (50) square feet". As a result a sign variance is necessary.

We request that the variance be approved as there will be no substantial detriment to the neighborhood as it is located in the industrial zone. This building is unique due to the size of the building which is 363,950 square feet on 62.74 acres. The total coverage of the sign proposed is less than the 15% set forth in the by law. This building is set back from the road and it would be impossible for the sign to be visible if it is of a smaller size. Therefore the configuration of the size of the building and the set back from the road are such that a large sign is necessary. In addition the contents of the sign relate exclusively to FIBA's advertising and identification of their business. There would be a hardship to the applicant if a sign variance is not granted.

A variance is necessary to accommodate the sign needs based on the size of the building and the set back from the road as well as the other reasons set forth in this memorandum.

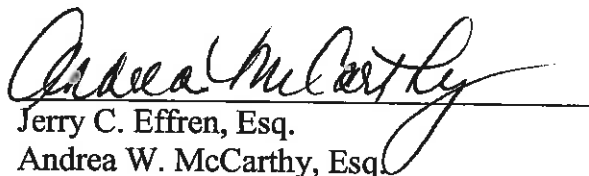
IV. CONCLUSION

For the foregoing reasons, the applicant, FIBA Technologies, Inc, respectfully requests that the Board approve a variance for Sign Permit.

Respectfully submitted:

FIBA Technologies, Inc.

By its attorney:

A handwritten signature in black ink, appearing to read "Andrea W. McCarthy", is written over a horizontal line.

Jerry C. Effren, Esq.

Andrea W. McCarthy, Esq.

Law Offices of Jerry C. Effren

25 West Union St.

Ashland, MA 01721

(508/ 881-4950)

info@effren.net



2012 00211184

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QUITCLAIM DEED

53 Ayer Road, Littleton, Massachusetts

123

Littleton Industrial Park LLC, a Massachusetts limited liability company with an address of 85-87 Boston Street, Everett, Massachusetts 02149, (the "Grantor"), for consideration paid of Three Million Three Hundred and Fifty Thousand and 00/100, (\$3,350,00.00) Dollars, grants to:

Five K, LLC
P.O. Box 360
1535 Grafton Road
Millbury, Massachusetts 01527

(hereinafter sometimes referred to as the "Grantee"), with Quitclaim Covenants, the land with the buildings thereon situated in the Town of Littleton, County of Middlesex, Commonwealth of Massachusetts, now known as and numbered 53 Ayer Road, Littleton, Massachusetts, bounded and more particularly described as set forth in Exhibit A attached hereto.

For Grantor's title, see Foreclosure Deed recorded with the Middlesex County (Southern District) Registry of Deeds (the "Registry") in Book 54715, Page 347.

This conveyance is additionally subject to and with the benefit of all easements, restrictions, encumbrances and other matters of record to the extent the same are in force and applicable, including, without limitation, an Activity and Use Limitation dated September 26, 2002 and recorded in the Registry in Book 36527, Page 56.

Executed as a sealed instrument this 27th day of September, 2012.

LITTLETON INDUSTRIAL PARK LLC

By: Richard P. Bennett
Its: Manager, duly authorized

[Acknowledgements on Following Page]

Efflu
250 West Union Street
Asbury Park NJ

MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001
Date: 09/28/2012 03:27 PM
Ctrl# 175715 00341 Doc# 00211184
Fee: \$15,275.00 Cons: \$3,350,000.00

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

On this 27th day of September, 2012, before me, the undersigned notary public, personally appeared Richard P. Bennett in his said capacity of Manager of Littleton Industrial Park LLC, proved to me through satisfactory evidence of identification, which was Mass Drivers License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily in his said capacity for its stated purpose.

[Affix Notarial Seal]

Kim T. Tufis
NOTARY PUBLIC

Printed Name: Kim T. Tufis
My Commission Expires: 7-13-18

#223664 v1/99999/1

EXHIBIT A

Certain portions of the land shown on that certain plan entitled "Definitive Subdivision of Land in Littleton, Mass. prepared for GFI Littleton, LLC," dated April, 2003, by David E. Ross Associates, Inc., Civil Engineers Land Surveyors, Landscape Architects, Environmental Consultants, P.O. Box 368-111, Fitchburg Rd. - Ayer, Mass. 01423, designated thereon as Job No. 16168 and Plan No. L-8214 (the "Subdivision Plan"), which Subdivision Plan was recorded in the Middlesex County (Southern District) Registry of Deeds on January 27, 2004 at 2:04p.m. as Plan No. 79 of 2004, said portions of land more particularly described as follows:

All of those portions of Lot 1A and 1B shown on the Subdivision Plan as part of the land owned now or formerly by MDSX, Inc., excepting therefrom any right, title, or interest in Distribution Center Drive or Distribution Center Circle except as expressly set forth therein.

Together with any improvements thereon, and together with the perpetual right and easement in common with others to pass and repass over those portions of "Distribution Center Drive" and "Distribution Center Circle" shown on the Subdivision Plan as part of the land owned by MDSX, Inc., to the extent affected by a certain Termination of Easements dated November 15, 2007 and recorded with said Deeds at Book 50355, Page 214.

Together with the perpetual right and easement to use in common with Grantor and others from time to time those portions of "Distribution Center Drive" and "Distribution Center Circle" shown on the Subdivision Plan as part of the land owned by MDSX, Inc. for all purposes for which streets and ways are now or may hereafter be used in the town of Littleton, including, without limitation, conduits for water, sewers, and storm water, utility lines such as those for gas, electricity, telephone, cables, and telecommunication services, and any similar uses or extensions thereof, to the extent affected by a certain Termination of Easements dated November 15, 2007 and recorded with said Deeds at Book 50355, Page 214.

Premises are conveyed subject to and with the benefit of all rights, rights of way, restrictions, easements, covenants, liens or claims in the nature of liens, improvements, public assessments, any and all unpaid taxes, tax titles, tax liens, improvements, public assessments, rights of tenants and parties in possession, water and sewer liens and any other municipal assessments or liens or existing encumbrances of record which are in force and are applicable, having priority over said mortgage, whether or not reference to such restrictions, easements, improvements, liens or encumbrances is made in the mortgage.