

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  
9/4/2014 135  
JP

The filing is not official until stamped by the Town Clerk

Filing Fee paid: \$ 200.00 Check # 1957  
75.00 1958

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.

*Wade Crory*  
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

*John E. Croteau*  
Print Name  
P.O. Box 1496  
Address  
Pepperell, MA 01463  
Town, State, Zip

Date:

8/13/14  
978-265-5852  
Phone #  
johncroteau88@gmail.com  
Email Address

Deed Reference: Bk 51284 Page 423

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

*John E. Croteau*  
Signature  
8/13/14  
Date  
Print Name (if different from petitioner)

978-265-5852  
Phone #  
johncroteau88@gmail.com  
Email

Address (if different from petitioner)

ASSESSOR MAP & PARCEL NUMBER 117-135

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

10 Emerson Drive

ZBA Case 837A

# 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.

4. Special Permits are expressly permitted in the Zoning Bylaws. Which Zoning Bylaw section do you rely for your appeal?

Zoning Bylaw § \_\_\_\_\_

~~173-31~~ 173-10 B(1)

5. 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.*

6. 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 I.G.L.c.40B

August 13, 2014

Town of Littleton  
Board of Appeals  
37 Shattuck St.  
PO Box 1305  
Littleton, MA 01460

To the members of the board,

I am the new owner of a residential home at 10 Emerson Drive and am in the process of renovating the property. This is an existing non-conforming lot size of 6,000 sf. The existing house meets set backs, but the detached garage is 2' from the side and 9' from the rear. I have hired an architect to assist me with the new design of the property. Included in the design is a deck (8' x 14') coming from the kitchen into the backyard. This deck provides easier and safer access to the fenced in backyard which will allow access to the backyard without having to walk around the house and open the gate to access the backyard. I have the deck located on the side of the house with the steps leading down into the backyard. I did not propose to have the deck located directly in the backyard because it would then be located directly on the existing leaching field. Because of the shape of the lot and the location of the house and backyard, I am asking for a special permit to locate the deck within the 15' setback on the east side of the house.

I have included a scaled drawing of the property which shows the location of the deck in relationship to the house and boundaries.

Thank you for your assistance in this matter.

Sincerely,

John E. Croteau

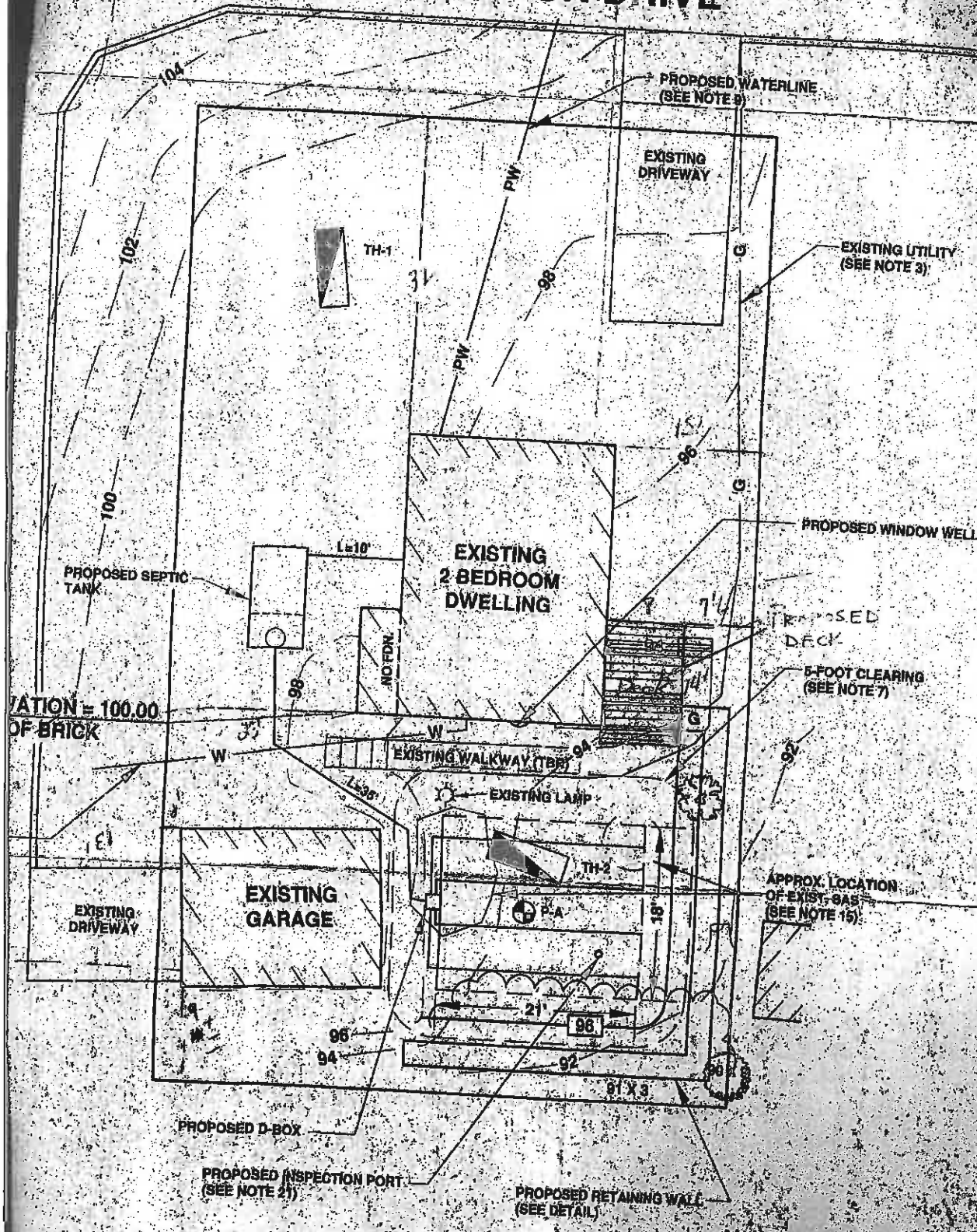
John E. Croteau

ELEVATION = 94.00

INVERT - 94

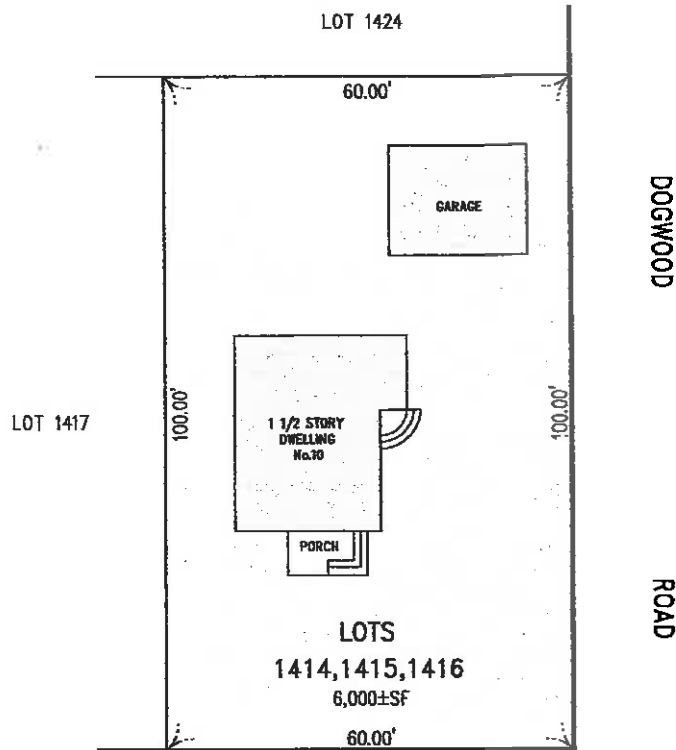
| SCHEDULE OF ELEVATIONS |        |
|------------------------|--------|
| TOP OF FOUNDATION      | 100.00 |
| OUT OF FOUNDATION      | 96.07  |
| IN SEPTIC TANK         | 96.37  |
| OUT SEPTIC TANK        | 96.12  |
| IN DISTRIBUTION BOX    | 96.12  |
| OUT DISTRIBUTION BOX   | 96.12  |

# EMERSON DRIVE



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SY  
JULY



*John S. Lauretani*

EMERSON DRIVE

MORTGAGE LENDER

USE ONLY

plotplans.com

**DE LAURITIS**  
 & ASSOCIATES, INC.  
 101 CONSTITUTION BLVD, SUITE D  
 FRANKLIN, MA 02053  
 (603)287-8800 FAX: (603)228-4011



**FLOOD HAZARD INFO:**  
 ZONE: **X** DATED: **8/4/2010**  
 COMMUNITY PANEL: **250200 0236E**

THE LOCATION OF THE DWELLING SHOWN  
 DOES NOT FALL WITHIN A SPECIAL  
 FLOOD HAZARD ZONE, EXCEPT AS MAY  
 BE INDICATED.

**MORTGAGE INSPECTION PLAN**ADDRESS: **10 EMERSON DRIVE, LITTLETON, MA**

LENDER:

ATTORNEY: **KIMBERLY J. ROGERS, ESQUIRE**OWNER: **ALICE GUERRA**APPLICANT: **JOHN CROTEAU**DATE: **5/30/2014** SCALE: **1"=20'** COUNTY: **MIDDLESEX****UNREGISTERED LAND**DEED BOOK: **51284** PAGE: **423**PLAN BOOK: **362** PAGE: **26** LOT(S): **1414-1416**

PLAN NUMBER: \_\_\_\_\_ OF \_\_\_\_\_

**REGISTERED LAND** CERTIFICATE OF TITLE

REGISTRATION BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_

PLAN NUMBER: \_\_\_\_\_ LOT(S): \_\_\_\_\_

THERE ARE NO DEEDED EASEMENTS IN  
 THE ABOVE REFERENCED DEED OR  
 ENCROACHMENTS WITH RESPECT TO  
 DWELLING SITUATED ON THIS LOT  
 EXCEPT AS STATED ON THE DEED OF  
 RECORD SHOWN.

THE LOCATION OF THE DWELLING AS  
 SHOWN HEREON EITHER WAS IN  
 COMPLIANCE WITH THE LOCAL ZONING  
 BY-LAWS IN EFFECT WHEN  
 CONSTRUCTED (WITH RESPECT TO  
 STRUCTURAL SETBACK REQUIREMENTS  
 ONLY), OR IS EXEMPT FROM VIOLATION  
 ENFORCEMENT ACTION UNDER MASS. G.L.  
 TITLE VI, CHAPTER 40A, SECTION 7.

ASSESSORS MAP: **U17-135**

BLOCK: \_\_\_\_\_ LOT: \_\_\_\_\_

GENERAL NOTES: (1) THE DECLARATIONS MADE ABOVE ARE ON THE BASIS OF MY KNOWLEDGE, INFORMATION, AND BELIEF AS THE RESULT OF A MORTGAGE INSPECTION TAPE SURVEY, FOR THE PURPOSE OF AN INSTRUMENT MADE TO THE NORMAL STANDARD OF CARE OF REGISTERED LAND SURVEYORS PRACTICING IN MASSACHUSETTS. (2) DECLARATIONS ARE MADE TO THE ABOVE NAMED CLIENT ONLY AS OF THIS DATE. (3) THIS PLAN WAS NOT MADE FOR RECORDING PURPOSES, FOR USE IN PREPARING DEED DESCRIPTIONS OR FOR CONSTRUCTION. (4) VERIFICATIONS OF PROPERTY LINE DIMENSIONS, BUILDING OFFSETS, FENCES, OR LOT CONFIGURATION MAY BE ACCOMPLISHED BY AN ACCURATE INSTRUMENT SURVEY. (5) NO RESPONSIBILITY IS ASSUMED HEREIN TO THE LAND OWNER OR OCCUPANT.

**QUITCLAIM DEED**

I, ALICE F. GUERRA, *a single woman*, of

for consideration paid and in full consideration of TWO HUNDRED THOUSAND AND 00/100 (\$200,000.00) DOLLARS PAID

grant to JOHN E. CROTEAU, *a married man, Individually*, now of 10 Emerson Drive, Littleton, Massachusetts, 01460,

*with QUITCLAIM COVENANTS,*

Three certain lots of land, together with the buildings thereon, situated in Littleton, Middlesex County, Massachusetts, and being shown as Lots 1414, 1415 and 1416, as shown on "Map A of Long Lake, Town of Littleton, Mass." recorded with Middlesex South District Registry of Deeds, Plan Book 362, Plan 26, and together being bounded and described as follows:

|           |   |
|-----------|---|
| WESTERLY  | by Dogwood Road, one hundred (100) feet;                    |
| NORTHERLY | by Emerson Drive, sixty (60) feet;                          |
| EASTERLY  | by Lot 1417, as shown on said plan, one hundred (100) feet; |
| SOUTHERLY | by Lot 1424, as shown on said plan, sixty (60) feet.        |

Containing six thousand (6000) square feet of land, and being any or all of said measurements or contents more or less.

This conveyance is made subject to and with the benefit of all restrictions and easements of record, so far as the same are now in force and applicable; and also subject to a taking by the Town of Littleton in connection with the laying out of Emerson Drive as a public way under the provisions of an instrument dated February 21, 1950, recorded with said Deeds, Book 7557, Page 514, to municipal liens and assessments which may be thereon.

The Grantor hereby releases any and all Rights of Homestead which have been declared in the property or have been granted as a matter of law.

For Grantor's title see deed filed with the Middlesex South District Registry of Deeds, Book 51284, Page 423.

Property Address: 10 Emerson Drive, Littleton, MA 01460

Executed as a sealed instrument this 28 day of May, 2014.

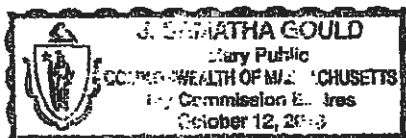
Alice F. Guerra  
ALICE F. GUERRA

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS:

Date: May 28, 2014

On this day before me, the undersigned Notary Public in and for the County and State aforesaid, do hereby certify that Alice F. Guerra, known personally to me or proved by proof of identification which was the presentation of a driver's license, to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that she signed, sealed and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth.



J. Samantha Gould  
Notary Public: J. Samantha Gould  
My Commission Expires:

10/12/18



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

Date: September 10, 2014

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

Applicant John Croteau Name of Firm: Mailing Address P.O. Box 1496, Pepperell  
MA 01462

Subject Parcel Location: 10 Emerson Rd, Littleton, MA 01460

Subject Owner: John Croteau

Subject Parcel No: U17 135 0

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) 36 including the subject parcels + 1 Applicant Requesting Abutter's List.

Certified by:

Anita Harding  
Anita Harding, Assistant Assessor