

**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**

9/26/14 10AM

*[Signature]*

The filing is not official until stamped by the Town Clerk

Filing Fee paid: \$ 250  
75

Check #: 1614  
1015

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.

L. Ford 9-26-2014

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 Sean Keenan

Print Name SEAN KEENAN

Address 34 GRISTMILL RD

Town, State, Zip Littleton MA 01460

Date: 9/14/14

Phone # 781-844-9668

Email Address SAWIT BUILDIT@GMAIL.COM

Deed Reference: Bk 48415 Page 243

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

Signature John + tessa KAMINSKI Date 21 SEP 2014

Print Name (if different from petitioner) John + tessa KAMINSKI

Address (if different from petitioner) 4 DOGWOOD

Phone # 978-540-5154

Email JT.KAMINSKI1@gmail.com

ASSESSOR MAP & PARCEL NUMBER U17 - 100

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

ZBA Case 8424

# 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*

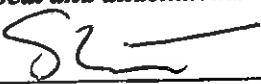
Administrative Official \_\_\_\_\_

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.

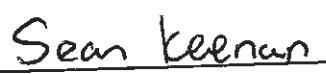
**1. Special Permits are expressly permitted in the Zoning Bylaws. Which Zoning Bylaw section do you rely for your appeal?**

Zoning Bylaw § 173-10 B(1)

**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



FROM THE OFFICE OF THE  
**BUILDING COMMISSIONER**  
37 SHATTUCK STREET, P.O. BOX 1305

9-12-14

**Sean Keenan  
54 Grist Mill Road  
Littleton, MA 01460**

Re: Building Permit Application

290 - 14

@

4 DOGWOOD ROAD

Dear Applicant,

Your application for a Building Permit has been reviewed. The following information does not conform to the requirements of 780 CMR and/or pertinent laws under the building official's jurisdiction.

The proposed change of adding a second level increases the existing nonconformity. Increasing the height of an existing nonconforming setback intensifies the nonconformity. A special permit is required pursuant to 173-10B(1).

Your application is rejected until such time the above noted information is resubmitted in compliance with 780 CMR and all laws and ordinances applicable thereto to the satisfaction of the building official. (§111.1 MSBC)

Sincerely,

**ROLAND J. BERNIER  
Building Commissioner**

I submitted a building permit application for a second story addition at 4 Dogwood Road owned by John and Tessa Kaminski. The permit was reviewed and I was informed that the second level increases the nonconformity for the front setback and that a Special Permit from Section 173-10B(1) was required.

The lot size is 8,000 s.f, the frontage is 80 ft, the front setback is 29.4 ft, the left side setback is 32.2 ft, the right side setback is 16.2 ft, the rear setback is 35.1 ft. The property is in the residential district and is existing non-conforming for lot area, frontage and front setback.

Due to the roof overhang on the second story addition the setbacks will change to front setback 28.6 ft, side 31.4 (left) and 15.4 (right) and 34.3 ft rear. The existing front setback non-conformity will increase from 29.4 ft to 28.6 ft the side and rear meet zoning requirements.

Sean Keenan  
Keenan & Sons  
54 Gristmill Road  
Littleton MA 01460

4716

## MASSACHUSETTS QUITCLAIM DEED

I, Brian G Powderly of 4 Dogwood Road, Littleton, Massachusetts 01460, for consideration paid, and in full consideration of THREE HUNDRED THOUSAND AND 00/100 Dollars (U.S. \$300,000.00) grant to John T. Kaminski and Tessa Kaminski, husband and wife, Tenants by the Entirety, of 39 Pleasant Street 14A, Northborough, Massachusetts 01532 with *quitclaim covenants* the following property in Middlesex County, Massachusetts.

The land and buildings thereon, situated in Littleton, Middlesex County, Massachusetts being Lot numbers 1395, 1396, 1397 and 1398, as designated and shown on a plan entitled "Map A of Land Lake, Town of Littleton, Middlesex County, Massachusetts", said plan being recorded with Middlesex South District Registry of Deeds in Plan Book 356, Plan 46, and Plan Book 362, Plan 26.

Said premises are conveyed subject to and with the benefit of any easements, rights, privileges and restriction of record so far as the same may now be in effect.

Said premises are conveyed subject to and with the benefit of Septic Fill Easement as recorded with the Middlesex South District Registry of Deeds at Book 47877, Page 423 and 47877, Page 427.

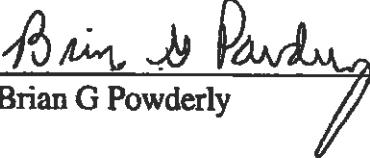
For my title see deed recorded with MSRD at Book 48084, Page 502.



2006 00206865

Bk: 48415 Pg: 243 Doc: DEED  
Page: 1 of 1 10/31/2006 02:05 PM

Witness my hand(s) and seal(s) this 31st day of October, 2006.

  
\_\_\_\_\_  
Brian G Powderly

REGISTRY OF DEEDS  
SOUTHERN DISTRICT  
ATTEST:

MASSACHUSETTS EXCISE TAX  
Southern Middlesex District ROD # 001  
Date: 10/31/2006 02:05 PM  
Ctrl# 082730 16015 Doc# 00206865  
Fee: \$1,368.00 Cons: \$300,000.00

  
\_\_\_\_\_  
REGISTER

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 31st day of October, 2006, before me, the undersigned notary public, personally appeared Brian G Powderly, proved to me through satisfactory evidence of identification, which was/were [ ] Mass. driver's license(s) or [ ] \_\_\_\_\_, to be the person(s) whose name(s) is/are signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.

  
\_\_\_\_\_  
Notary Public: Angela Harkness  
My Commission Expires: 04/25/08



PROPERTY ADDRESS: 4 Dogwood Road Littleton, Massachusetts 01460

HARKNESS LAW OFFICE  
288 Littleton Road, Ste. 26  
Westford, MA 01886



OFFICE OF THE  
**LITTLETON BOARD OF APPEALS**  
LITTLETON, MASSACHUSETTS 01460

**NOTICE OF HEARING**

The Littleton Board of Appeals will conduct a public hearing on Thursday October 16, 2014 at the Littleton Town Offices, 37 Shattuck Street, Room 103 to consider the following petitions:

7:45 p.m. Case # 841A – Arleen Martino for a special permit from Section 173-58 for a proposed accessory dwelling at 94 GOLDSMITH STREET.

8:00 p.m. Case # 842A – John and Tessa Kaminski for a special permit/variance from Section 173-10B(1) for a proposed addition at 4 DOGWOOD ROAD.

**LITTLETON BOARDS OF APPEALS**  
Jeffrey Yates, Clerk

Publication dates October 2 and 9, 2014 Littleton Independant

TOWN OF LITTLETON  
R E C E I V E D  
Date SEP 26 2014  
*[Handwritten signature over the stamp]*



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

Date: September 29, 2014

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

Applicant Sean Keenan Name of Firm: Keenan & Son.  
Mailing Address 54 Gristmill Rd, Littleton, MA

Subject Parcel Location: 4 Dogwood Rd, Littleton, MA 01460  
Subject Owner John Kaminski  
Subject Parcel No: U17 100 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) 33 including the subject parcels + 1 Applicant Requesting Abutter's List.

Certified by:

Anita Harding  
Anita Harding, Assistant Assessor