

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 Section 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-laws. Building permits withheld by the Building Commissioner acting under MGL C. 41, §81Y as a means of enforcing the Subdivision Control Law 152 will 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 have 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-laws provide 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, safeguards and limitations on time or use. A Special Permit enables 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 requires 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 25% 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 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-laws 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-laws 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 appellant, 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.

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TOWN OF LITTLETON BOARD OF APPEALS

37 Shattuck Street
P.O. Box 1305
Littleton, MA 01480
Tel: 978-640-2420



APPLICATION FOR PUBLIC HEARING

Pursuant to MGL Chapter 40A, 40B and 41 and the Littleton Zoning By-laws

TOWN USE ONLY

Received by the Town Clerk Office

received
12/11/2014

The filing is not official until stamped by the Town Clerk

Filing Fee paid: \$ 210 Check # 7014

Pursuant to the provisions of Chapter 40, §97 of the Massachusetts General Laws as adopted by Town Meeting 2003, this document must be signed by the Tax Collector verifying payment of fees.

Neal Chaff 12/1/14

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

Jonathan A. Resnick

Print Name

Jonathan A. Resnick

Address

1020 Great Road

Town, State, Zip

Littleton, MA 01480

Phone #

(978) 831-3924

Email Address

jon@jresnickpaint.com

Deed Reference: Bk: 53832 Page 468

Date: 10-16-14

PROPERTY OWNER: Include authorization of Owner for Petitioner to represent Owner, if assigned

Jonathan A. Resnick

Signature

Date: 10-16-14

Print Name (if different from petitioner)

Address (if different from petitioner)

Phone #

Email

ASSESSOR MAP & PARCEL NUMBER R20-6

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

Check box if applicable

☒ AQUIFER DISTRICT

☒ WATER RESOURCE DISTRICT

620 Great Rd
ZBA Case No.: 843A

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-shutter hat
Legal Notice publication fee due prior to opening hearing

620 Great Road

ZBA Case

843A

620 Great Road - R20-6

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 § 173-58 Accessory Dwelling

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

Jean Arthur A. Resnick

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

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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.

Signature

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:

- metes and bounds of the subject land
- adjacent streets and other names and readily identifiable landmarks and fixed objects
- dimensional layout of all buildings
- distances and setbacks from the various boundaries
- exact dimensions, setbacks and specifications of any new construction, alterations, additions or installations
- direction of North
- 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, plans 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

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Return to:

McWalter, Barron & Boisvert, P.C.
30 Monument Square, Suite 145
Concord, MA 01742-1857

MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001
Date: 11/19/2009 11:23 AM
Ctrl# 132245 27773 Doc# 00223235
Fee: \$1,140.00 Cons: \$250,000.00



Bk: 53862 Pg: 468 Doc: DEED
Page: 1 of 2 11/19/2009 11:23 AM

MASSACHUSETTS QUITCLAIM DEED

We, Normand d. Caron and Theresa C. Caron of 620 Great Road, Littleton, MA, for consideration paid, and in full consideration of TWO HUNDRED FIFTY THOUSAND AND 00/100 Dollars (U.S. \$250,000.00)

GRANT to Jonathan A. Resnick _____

of 620 Great Road, Littleton MA with
quitclaim covenants the following property in Middlesex County, Massachusetts.

A certain parcel of land, situated in the town of Littleton, county of Middlesex and state of Massachusetts, and being shown as a Lot containing 40,040 square feet more or less on the plan entitled "Land in Littleton owned by Irvin S. Sherida," by Tuttle, dated April 17, 1959 recorded with Middlesex South District Deeds in Book 9580, Page 402, said Lot being bounded:

Northeasterly: by said Great Road, one hundred fifty (150) feet;

Southeasterly: by land now or formerly of Sheridan, two hundred eighty (280) feet;

Southwesterly: by said Sheridan land, one hundred fifty (150) feet; and

Northwesterly: by said Sheridan land, two hundred eighty (280) feet.

Subject to easements, restrictions, and matters of record insofar as the same are in force and applicable.

Being ~~a portion of~~ the premises conveyed to the herein named grantor by deed recorded with Middlesex South District Registry of Deeds in Book 12468, Page 372.

Witness our hands and seals this 21st day of October, 2009

Theresa C. Caron
Theresa C. Caron

Normand d. Caron
Normand d. Caron

620 Great Road, Littleton, MA

Signed and sealed in the presence of Janet Cramb of Pepperell, MA and Natasha Carter, of Townsend, Massachusetts. We further attest the above-named being unable to read the document or to sign her name due to physical impairment did after the document was read to her, on this 21st day of October, 2009, affix her mark thereto stating that he intended the same to serve as her signature.

Janet Cramb
Natasha Carter

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 21st day of October, 2009, before me, the undersigned notary public, personally appeared the above named Theresa C. Caron and Normand D. Caron, who proved to me through satisfactory evidence of identification being a valid driver's license, to be the persons whose name are signed on the preceding or attached document, and acknowledged that the document was signed voluntarily and for its stated purpose.



Christine E. Morrissey
Notary Public: Christine E. Morrissey
My Commission Expires: April 16, 2015



TOWN OF LITTLETON
BOARD OF ASSESSORS

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

Date: November 6, 2014

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

Applicant Jonathan Resnick Name of Firm: _____
Mailing Address 620 Great Rd, Littleton, MA

Subject Parcel Location: 620 Great Rd, Littleton, MA 01460
Subject Owner Jonathan Resnick
Subject Parcel No. R20 6 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) 13 including the subject parcels + 1 Applicant Requesting Abutter's List.

Certified by:


Anita Harding, Assistant Assessor

Loc: 591 GREAT RD Parcel ID #: R19 8 0
LUC: 0137

MATHESON FRANK W
MATHESON EUNICE
591 GREAT RD

LITTLETON MA 01460

Loc: 616 GREAT RD Parcel ID #: R20 4 D
LUC: 960

CHURCH OF JESUS CHRIST
C/O CORP OF PRESIDING BISHOP
50 E NO TEMPLE ST
TAX DIVISION, 2ND FL
SALT LAKE CITY UT 84150-3620

Loc: 9 COLBURN LN Parcel ID #: R20 54 0
LUC: 101

GLEASON RICHARD C
GLEASON ELAINE L
9 COLBURN LANE

LITTLETON MA 01460

Loc: 7 COLBURN LN Parcel ID #: R20 55 0
LUC: 101

O'NEILL ROBERT B
YSTUETA MARY C
7 COLBURN LANE

LITTLETON MA 01460

Loc: 620 GREAT RD Parcel ID #: R20 6 0
LUC: 101

RESNICK JONATHAN A

620 GREAT RD

LITTLETON MA 01460

Loc: GREAT RD Parcel ID #: R24 1 0
LUC: 713

MATHESON FRANK W
MATHESON EUNICE
591 GREAT RD

LITTLETON MA 01460

Loc: 3 SILVER BIRCH LN Parcel ID #: R24 51 0
LUC: 101

CUSICK STEVEN B
CUSICK KERRY M
3 SILVER BIRCH RD

LITTLETON MA 01460

Loc: 1 SILVER BIRCH LN Parcel ID #: R24 52 0
LUC: 101

LAI CHEE KONG
LAI PRECILA IP
1 SILVER BIRCH LN

LITTLETON MA 01460

Loc: 9 SILVER BIRCH LN Parcel ID #: R24 53 0
LUC: 101

BRIGHAM JONATHAN P
BRIGHAM SUSAN M
9 SILVER BIRCH LN

LITTLETON MA 01460

Loc: 2 SILVER BIRCH LN Parcel ID #: R24 54 0
LUC: 101

FORMICHELLI GREGORY C
FORMICHELLI LINA
2 SILVER BIRCH LN

LITTLETON MA 01460

Loc: 8 SILVER BIRCH LN Parcel ID #: R24 55 0
LUC: 101

MILNER JULIE S
MILNER DARRIN P
8 SILVER BIRCH LN

LITTLETON MA 01460

Loc: 4 SILVER BIRCH LN Parcel ID #: R24 56 0
LUC: 101

LOMBARD MICHAEL R
LOMBARD TANYA M
4 SILVER BIRCH LN

LITTLETON MA 01460

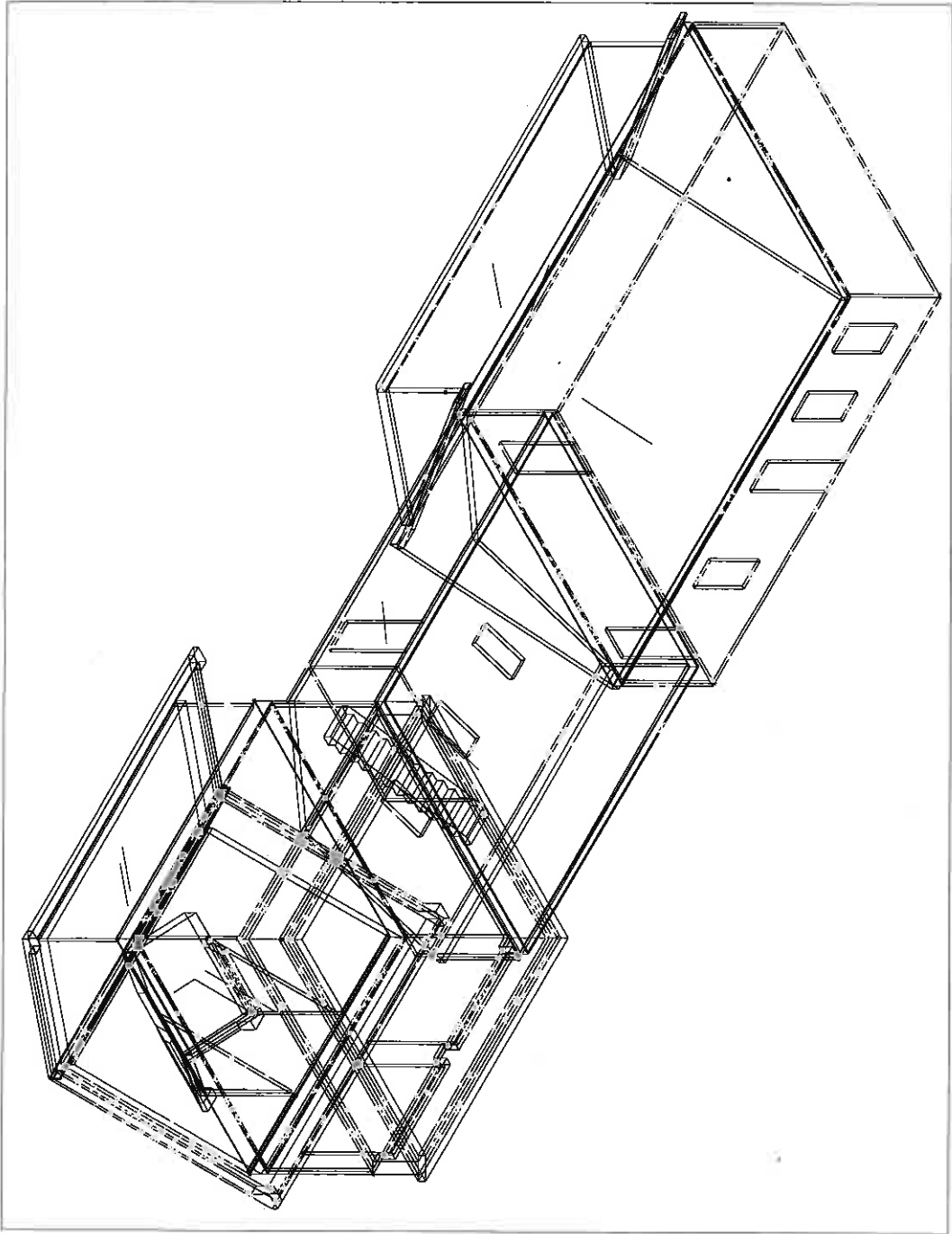
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LUC: 101

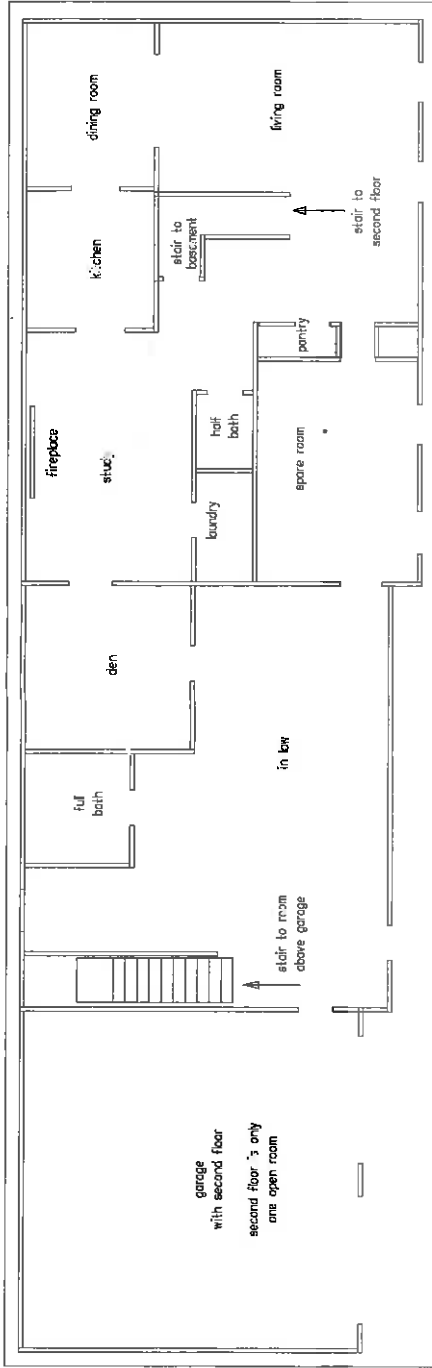
SMITH ALEXANDER E JR
SMITH KAREN K
6 SILVER BIRCH LN

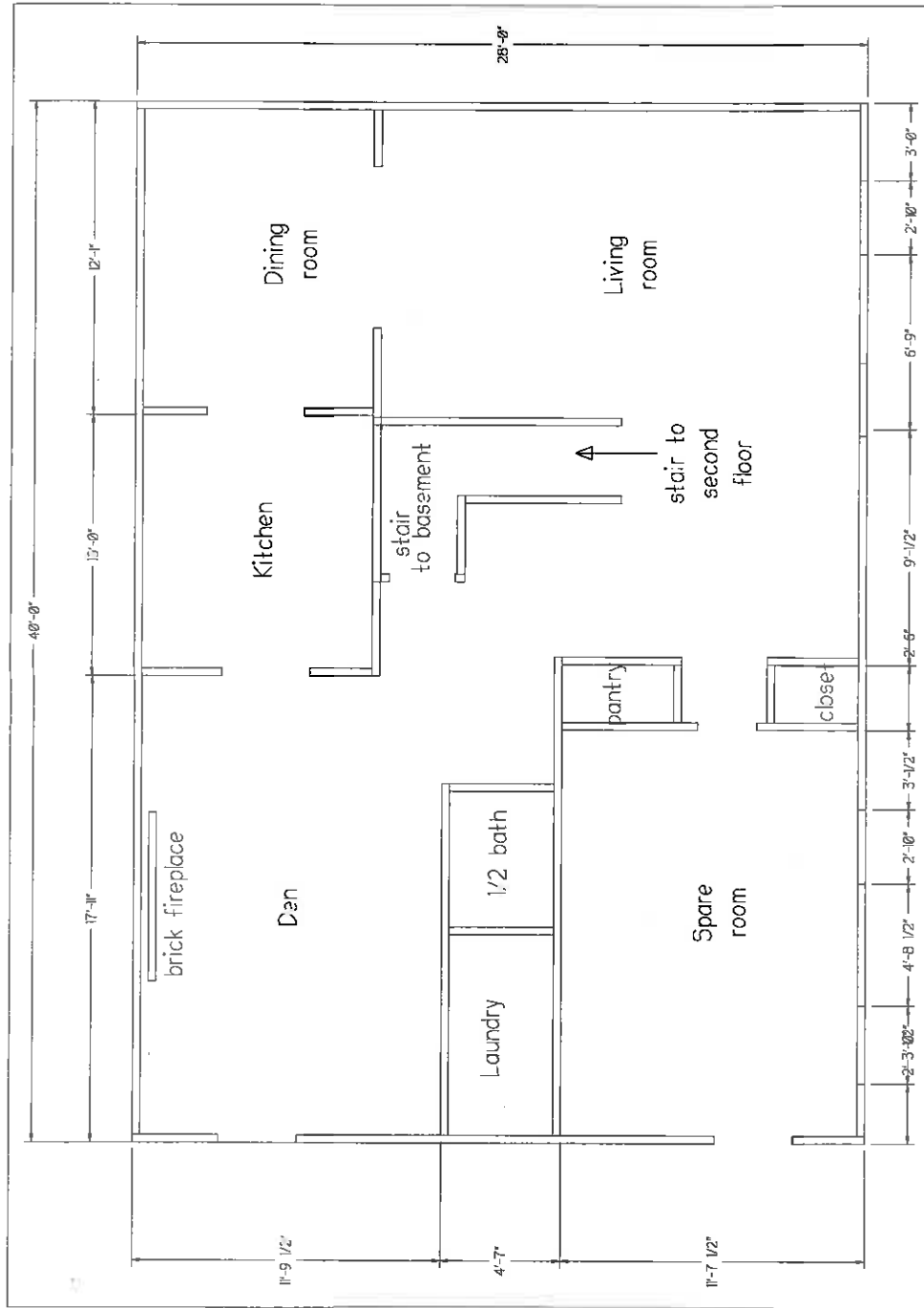
LITTLETON MA 01460

APPLICANT REQUESTING LIST

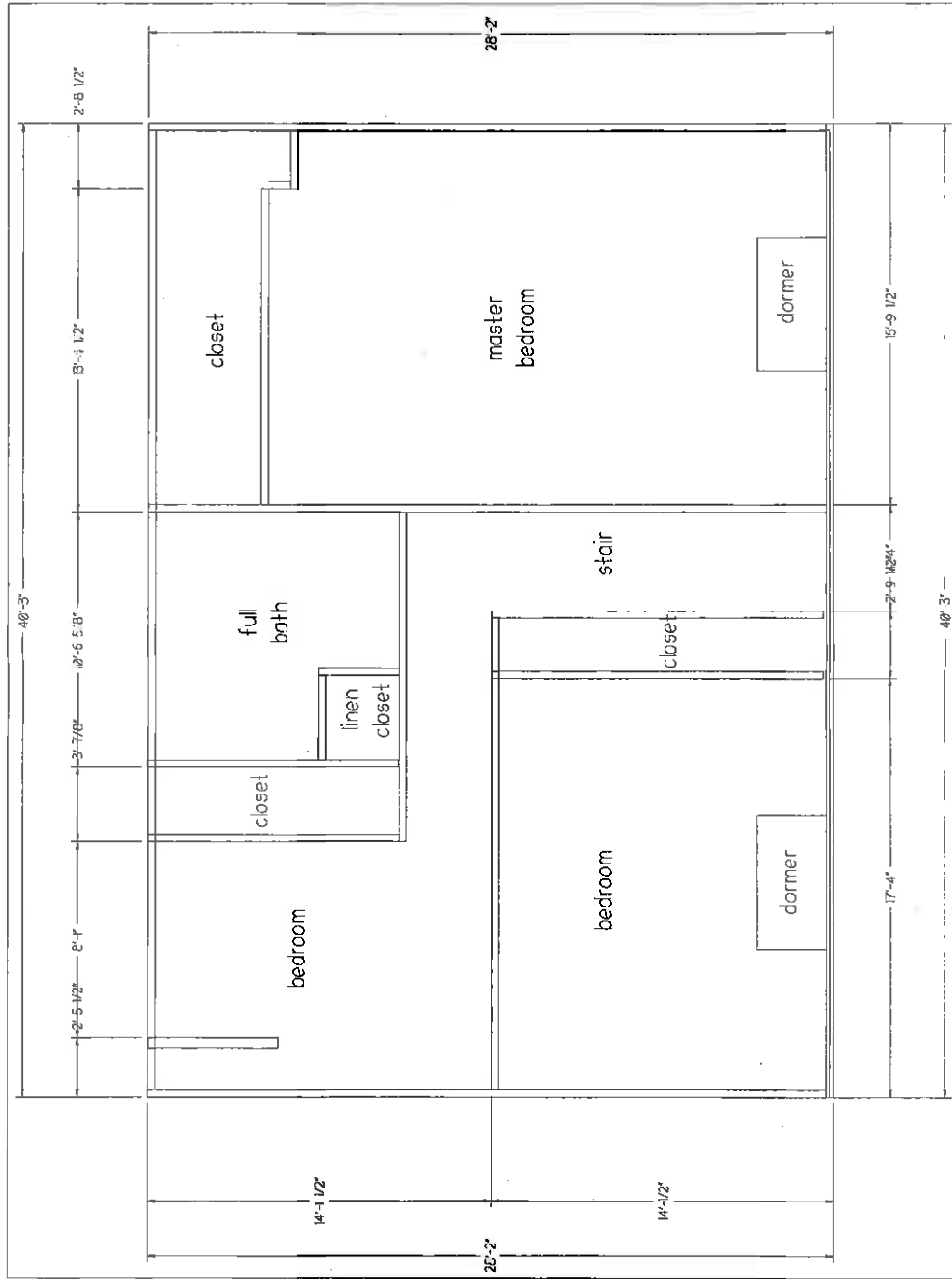
Jonathan Resnick
620 Great Rd,
Littleton, MA 01460







existing house
1st floor



existing house
2nd floor