



OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

RECEIVED
3/5/13 10:00 AM
2013

3/21e
7130

Board Use Only ... Case # 821A Filing Date 2/26/13

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:

A. Street Address

6 KING ROAD

Please print

B. Assessors' Map and Parcel #

U12 32

R

Zoning District ___ Aquifer District ___ Water Resource District

C. Deed Reference

58750 - 504

2. LITTLETON ZONING BYLAW SECTION(S)

A. Variance

B. Special Permit

173-10B(1)

C. Appeal

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

IN ORDER TO UPGRADE SDS, THE HOUSE MUST BE MOVED FORWARD
THE NEW FOOTPRINT IS SMALLER THAN THE EXISTING HOUSE, THE SDS
MUST GO IN THE REAR DUE TO SOIL CONDITIONS

4. PETITIONER(S) Jim D'Agostine Westchester Homes Inc.

☒ Owner ___ Tenant ___ Licensee ___ Agreed Purchaser ___ Agent ___ Other ___

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

Signature

Mailing Address

Jim D'Agostine
360 WACS AVE
MA

01726

Date

Telephone #

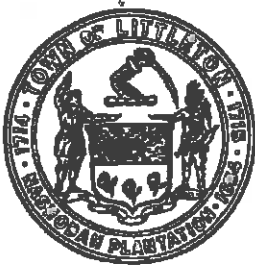
2/26/13

Town Clerk Use ONLY

Filing Fee Paid \$ 200 + 565

75 + 566

Date 3/5/13



BUILDING COMMISSIONER

ZONING OFFICER

P.O. BOX 1305
LITTLETON, MA 01460
VOICE (978) 540-2420

TO: Board of Appeals

FROM: Zoning Officer, Roland Bernier

RE: 19 Crane Road
6 King Road
43 Edsel Road
82 Goldsmith Street

Pursuant to MGL Chapter 40A, §15, please accept the attached documents, papers and comments constituting the record of the case in which the above noted appeal is being taken.

19 Crane Road

No further comment

6 King Road

Applicant is seeking a variances to encroach onto the required front setback claiming hardship due to a redesign of the septic system. No building Permit application has been received for this proposal. No further comment.

43 Edsel Road

Applicant is seeking a special permit allowing relief from the required setback distance. No building permit application has been received by the building department. No further comment

U16-73 Goldsmith Street

Applicant requested a small lot determination under Chapter 40A, §6 of the MGL with the intent of constructing a single family dwelling. Research

showed that a horse barn was permitted and constructed in 1986 and therefore was not a vacant lot. A site visit verified the existence of the horse barn. Accordingly, I conclude that the owners of this lot cannot construct a single-family home on the locus as a matter of right under M.G.L. c.40A, §6, fourth par. Instead, they must seek authorization from the Zoning Board of Appeals to "change, extend, or alter" the nonconforming structure pursuant to Section 173-10.B of the Zoning Bylaw and the first paragraph of M.G.L. c.40A, §6.

6 King Road

The owner is proposing to tear down the existing dwelling and construct a single family dwelling.

The property is in the residential district

The existing non-conformities are:

Lot area - 40,000 s.f. required – 3,600s.f.

Frontage – 150 feet required – 40 ft of frontage

Front setback – 30 feet required – 26 ft existing

Side setback – 15 feet required – 8.2 and 11.8 existing

Rear setback – 15 feet required – 16 ft existing

The proposed dwelling will not increase the non-conformities or create new non-conformities

The proposed dwelling will be

Lot area - 40,000 s.f. required – 3,600s.f.

Frontage – 150 feet required – 40 ft of frontage

Front setback – 30 feet required – 16.0 ft

Side setback – 15 feet required – 8.2 and 11.8

Rear setback – 15 feet required 36.4 ft existing

The proposed house is closer to the front to accommodate the upgraded septic system in the back

MASSACHUSETTS (warranties)

revised 01/02/92
REC #P100P9N

FEDERAL NATIONAL MORTGAGE ASSOCIATION A/K/A FANNIE MAE, a corporation organized under an Act of Congress and existing pursuant to the Federal National Mortgage Association Charter Act, having its principal office in the City of Washington, District of Columbia, and an office for the conduct of business of P.O. Box 650043, Dallas, TX 75265-0043, (hereinafter called the Grantor) for consideration of **FORTY FOUR THOUSAND NINE HUNDRED AND 00/100 (\$44,900.00) DOLLARS PAID**, grants to Westchester Homes, Inc., of 30 Nagog Park Drive, Suite 225, Acton, MA 01720, with quitclaim covenants,

A certain parcel of land with the buildings thereon, situated in said Litterton, Middlesex County, Massachusetts being Lot 2059 and 2060 on plan entitled 'Map A of Long Lake' recorded in Middlesex South District Registry of Deeds, Plan Book 362, Plan 26.

Said parcel containing 3,560 square feet.

Said premises are now known as and numbered 6 King Road in Litterton, Massachusetts.

GRANTEE HERRIN SHALL BE PROHIBITED FROM CONVEYING CAPTIONED PROPERTY FOR A SALES PRICE OF GREATER THAN \$53,880.00 FOR A PERIOD OF THREE MONTHS FROM THE DATE OF THIS DEED. GRANTEE SHALL ALSO BE PROHIBITED FROM ENCUMBERING SUBJECT PROPERTY WITH A SECURITY INTEREST IN THE PRINCIPAL AMOUNT OF GREATER THAN \$53,880.00 FOR A PERIOD OF THREE MONTHS FROM THE DATE OF THIS DEED. THESE RESTRICTIONS SHALL RUN WITH THE LAND AND ARE NOT PERSONAL TO GRANTEE.

THIS RESTRICTION SHALL TERMINATE IMMEDIATELY UPON CONVEYANCE AT ANY FORECLOSURE SALE RELATED TO A MORTGAGE OR DEED OF TRUST.

FOR TITLE REFERENCE, see Foreclosure Deed recorded with the Middlesex County (South District) Registry of Deeds in Book 57358, Page 232.

UNDER AND SUBJECT to any existing covenants, easements, encroachments, conditions, restrictions, and agreements affecting this property.

THIS DEED is given in the usual course of the Grantor's business and is not a conveyance of all or substantially all of the Grantor's assets in Massachusetts.

THE GRANTOR is exempt from paying the Massachusetts state excise stamp tax by virtue of 12 United States Code §1452, §1723a, or §1825.

TOGETHER WITH all and singular the improvements, ways, streets, alleys, passages, water, watercourses, right, liberties, privileges, hereditaments, and appurtenances whatsoever hereto belonging or in anywise appertaining and the reversions and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantor in law, equity, or otherwise howsoever, of and to the same and every part thereof.

6 King Road, Litterton, MA

WITNESS the execution and the corporate seal of said corporation this 2nd day of March, 2012.

**FEDERAL NATIONAL MORTGAGE ASSOCIATION
A/K/A FANNIE MAE**

By: **Harrison Law Offices, PC**, its attorney in fact


By: **Melissa B. Morrow**, Authorized Signer

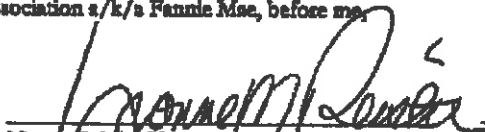
FOR SIGNATORY AUTHORITY, SEE LIMITED POWER OF ATTORNEY
RECORDED AT THE MIDDLESEX COUNTY (SOUTH DISTRICT) REGISTRY
DISTRICT OF THE LAND COURT AS DOCUMENT NO. 1489564.

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

March 2, 2012

On this 2nd day of March, 2012, before me, the undersigned notary public, personally appeared **Melissa B. Morrow**, as Authorized Signer for **Harrison Law Offices, PC**, as Attorney In Fact for **Federal National Mortgage Association a/k/a Fannie Mae**, proved to me through satisfactory evidence of identification, which was personal knowledge to be the person whose name is signed on the preceding or attached document, and acknowledged to me that s/he signed it voluntarily as his/her free act and deed and the free act and deed of **Federal National Mortgage Association a/k/a Fannie Mae**, before me.


Notary Public: **Yvonne M. Reister**
My Commission Expires: **1/19/2018**

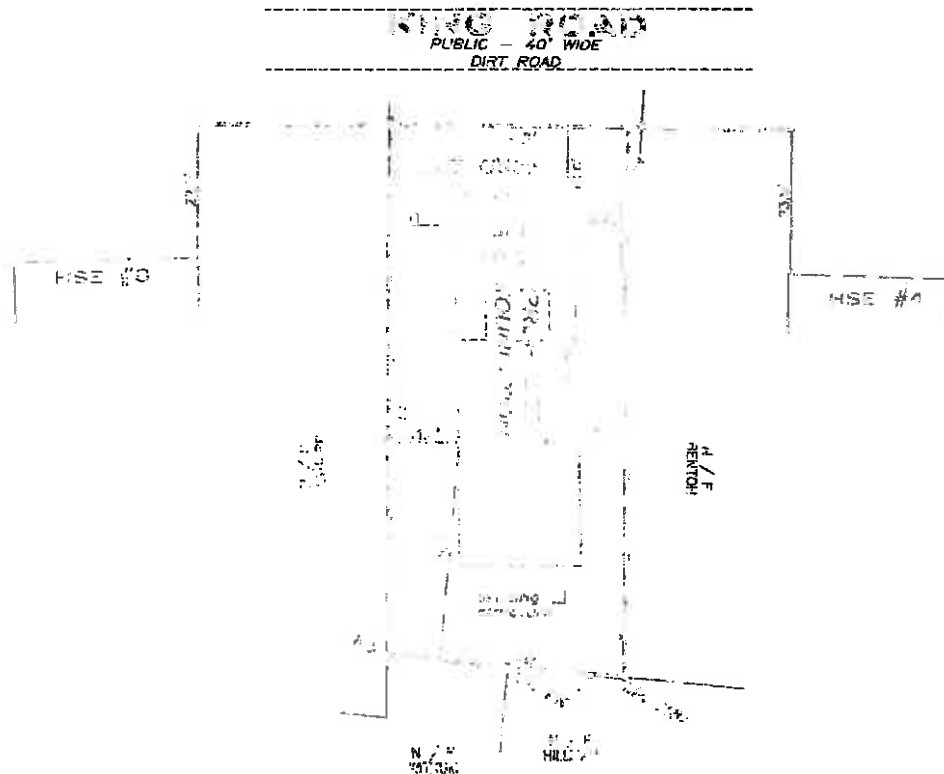


DEED REFERENCE: BOOK 58720, PAGE 503

PLAN REFERENCE: MAP A OF LONG LAKE
PLAN BOOK 362, PLAN 26

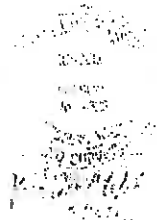
ASSESSOR'S REFERENCE: MAP U-12, PARCEL 32

ZONING DISTRICT: RESIDENTIAL



I CERTIFY THAT THE EXISTING STRUCTURES ARE CONSTRUCTED WHERE SHOWN ON THIS PLAN, AND COMPLY WITH THE ZONING BYLAWS (DIMENSIONAL REQUIREMENTS) OF THE TOWN OF LITTLETON AS OF THIS DATE.

I FURTHER CERTIFY THAT THE STRUCTURE DOES NOT LIE IN THE FLOOD HAZARD ZONE SHOWN ON THE FLOOD MAP OF MIDDLESEX COUNTY, MASS. PANEL 237 OF 355, MAP # 25017C0007E EFFECTIVE DATE: JUNE 4, 2010



PLAN OF LAND
FOR BOARD OF APPEALS

AT

RING ROAD

IN

LITTLETON, MASS.

OWNER: WESTCHESTER HOMES INC.
360 MASS. AVE ACTON MA 01720

SCALE: 1 INCH = 20 FEET

DATE: FEBRUARY 21, 2013

R. WILSON & ASSOCIATES

LAND SURVEYORS AND CIVIL ENGINEERS

370 GREAT ROAD P.O. BOX 236 LITTLETON, MA 01460

PHONE: 978-436-0205

FAX: 978-486-0644

FILE NO. 1878

DWG. NO. 1878PP

SHEET NO. 1 OF 1