

OFFICE OF THE  
LITTLETON BOARD OF APPEALS  
LITTLETON, MASSACHUSETTS 01460

RECEIVED  
3/5/13 10:00AM  
7130

3/21/13  
7130

Board Use Only ... ... Case # 821A Filing Date 8/26/13

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 # U 12 32

R Zoning District Aquifer District Water Resource District

C. Deed Reference S8750 - 504

2. LITTLETON ZONING BYLAW SECTION(S)

A. Variance \_\_\_\_\_

B. Special Permit 173-10 B(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

Jim D'Agostine

Date

8/26/13

Mailing Address

01720

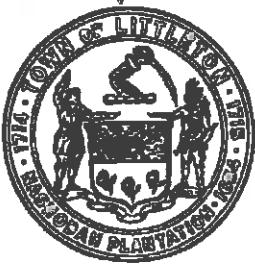
Telephone #

Town Clerk Use ONLY

Filing Fee Paid \$ 200 + \$65

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  
REO #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 Littleton, 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 Littleton, Massachusetts.

GRANTEE HEREIN SHALL BE PROHIBITED FROM CONVEYING CAPTIONED PROPERTY FOR A SALES PRICE OF GREATER THAN \$55,000.00 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 \$53,000.00 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, §1725a, or §1825.

TOGETHER WITH all and singular the improvements, ways, streets, alleys, passageways, 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.

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

FEDERAL NATIONAL MORTGAGE ASSOCIATION  
A/K/A FANNIE MAE  
By: Hamm Law Offices, PC, its attorney in fact

*Melissa Blom*  
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 2<sup>nd</sup> day of March, 2012, before me, the undersigned notary public, personally appeared Melissa B. Morrow, as Authorized Signer for Hamm 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,

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



DEED REFERENCE: BOOK 5876, PAGE 503

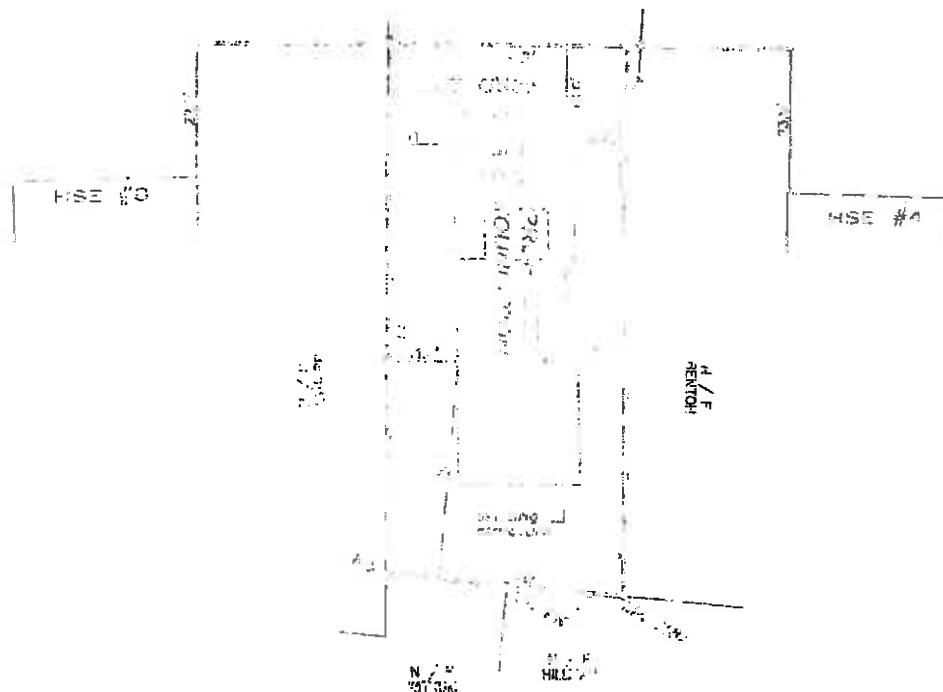
PLAN REFERENCE: MAP 7 OF LONG LANE  
PLAN BOOK 362, PLAN 26

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

ZONING DISTRICT: RESIDENTIAL



LONG LANE  
PUBLIC - 40' WIDE  
DIRT ROAD



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 F.E.M.A. MAP OF MIDDLESEX COUNTY, MASS.  
PANEL 237 OF 356, MAP # 25017C0007  
EFFECTIVE DATE: JUNE 4, 2010

NOTICE OF PLAN FOR LANE  
NOTICE OF APPEALS

AT

ROAD

MASS.

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

SCALE: 1 INCH = 20 FEET DATE: FEBRUARY 21, 2013

R. W. HUNSON & ASSOCIATES

LAND SURVEYORS AND CIVIL ENGINEERS

57C GREAT ROAD P.O.BOX 236 LITTLETON, MA 01460

PHONE: 978-486-0203

FAX: 978-486-0644

FILE NO. 1878

DXG NO. 1878PP

SHEET NO. 1 OF 1