

OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

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Board Use Only Case # _____ Filing Date _____

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 194 GREAT ROAD AKA 206 Great Road Please print

B. Assessors' Map and Parcel # 106 Parcel 4

R Zoning District Aquifer District Water Resource District

C. Deed Reference 51298-169

2. LITTLETON ZONING BYLAW SECTION(S)

A. Variance 173-36

B. Special Permit _____

C. Appeal _____

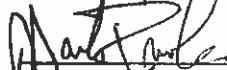
3. STATE BRIEFLY REASONS FOR THIS PETITION *Use additional sheets, if necessary*

TO ALLOW A LARGER MULTI-COLORED SIGN FOR THE LEARNING
EXPERIENCE DAY CARE FACILITY IN A RESIDENTIAL DISTRICT
LOCATED ON GREAT ROAD. (SEE ATTACHED)

4. PETITIONER(S) OMNI VENTURES LITTLETON LLC

Owner Tenant Licensee Agreed Purchaser Agent Other

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



Signature

200 BAKER AVE, CONCORD, MA
Mailing Address Suite 303 01742

8/23/08

Date (978) 369-4884
Telephone #

.....
Town Clerk Use ONLY Filing Fee Paid \$ _____
Registry Fee Paid \$ 75.00 Date _____

SUBMITTAL DOCUMENTS
FOR
SIGN VARIANCE REQUEST
FOR
THE LEARNING EXPERIENCE
CHILD DEVELOPMENT CENTER
206 GREAT ROAD
IN
Littleton, Mass.

PREPARED FOR:
Omni Ventures Littleton, LLC
PLACES Site Consultants, Inc. 08-476

Date: AUGUST 28, 2008

PLACES Site Consultants, Inc.
694 Main Street, Unit 3, Holden, MA 01520
(508) 829-0333 FAX (508) 829-0904 E-Mail: places@verizon.net

Town of Littleton
Board of Appeals

**Extension of Time Period
Agreement**

Orni Ventures and the Town of Littleton Board of Appeals
(Applicant, please print)

acting on an Application for a Variance / Special Permit / Appeal for the property
at Great Rd. agree to extend the required time period
(Address of Petition, please print)
of the Public Hearing / Decision from 12/17/08 to 1/15/09.

Applicant: Mel Siegel Date: 11/20/08
Board of Appeals: Sherrill R. Gould Date: 11/20/08

Filed with the Town Clerk's Office

Date: December 9, 2008

Shane Crary

PLACES Site Consultants, Inc.

PLANNING, LANDSCAPE ARCHITECTURE, CIVIL ENGINEERING & SURVEYING

August 28, 2008

Littleton Zoning Board of Appeals
Town Offices
37 Shattuck St.
Littleton, MA 01460

Re: Variance Request for Signs –Section 173-36
194 Great Road
Omni Ventures Littleton, LLC
PLACES Project No. 08-476

Dear Board Members,

On behalf of our clients, Omni Ventures Littleton, LLC, this office herewith is filing for variances related to the proposed signs for the proposed childcare provider, The Learning Experience (TLE), for the site at 206 Great Road , Route 2A/119. It should be noted that according to the Littleton Assessor's office, this site is identified as 194 Great Road as the lot division plan is too recent to be reflected on their records.

This site is located in a residential zone and is located directly east of the Orchard Square project on the southerly side of Route 2A, across from the entrance to Village on the Common. There is an existing sidewalk and stonewall between the edge of the traveled way and the property and the topography slopes away from Great Road at a slope of approximately 4-5 percent. The speed limit along this portion of Great Road is 45 mph with the speed limit change occurring just east of the driveway to the southern portion of Orchard Square.

This site has been reviewed by the Planning Board with Site Plan Approval being received on May 7, 2008 and has received the BOH permit with variances related to the slope of the property.

This submittal includes fourteen (14) sets of the following:

1. Littleton Board of Appeals application
2. Filing fee checks - \$ 350 Application fee plus \$ 75 Registry fee
3. Certified List of Abutters within 300'
4. Copy of Latest Deed and related plan
5. Proposed Temporary Sign mock-up
6. Pictures of similar signage in Chelmsford, MA
7. Architectural Plans entitled "The Learning Experience Elevations" (sheet A-5), "The Learning Experience Plate U-6, Lot 4-3, 206 Great Road, Route 2A, Littleton, Massachusetts (sheets C-2 and A-14) all by Jamel Kizel Architects and Engineers Inc. dated 8-18-08
8. Plans entitled "Layout, Site Plan & Details, Great Road/Route 2A in Littleton, Mass. Prepared for OMNI Ventures Littleton, LLC" (Sheet C.2) and Grading and Drainage Plan Great Road/Route 2A in Littleton, Mass. Prepared for OMNI Ventures Littleton, LLC" (Sheet C.3) by PLACES Site Consultants, Inc. dated 4-16-08 and endorsed by the Littleton Planning Board 5/7/08.

Variances Requested:

A variance is being sought under the provisions of Section 173-36 as it relates to on premise signs in a residential district to allow a temporary free standing sign during construction, a permanent free standing sign and a sign attached above the entrance of the building.

510 King St., Suite 9, Littleton, MA 01460
(978) 486-0334 Fax: (978) 486-0447
places.littleton@verizon.net

694 Main Street, Suite 3, Holden, MA 01520
(508) 829-0333 Fax: (508) 829-0904
[places @verizon.net](mailto:places@verizon.net)

All three signs contain the multi-colored words "The Learning Experience Child Development Center" and the TLE logo of a blue elephant, which are a national trademark sign for The Learning Experience. The use of color and the national logo enhances the recognition of the signage to create a simple sign that is easy for passing motorists to read/recognize.

1. The temporary free standing sign is a 4' x 8' (32 s.f.) decal mounted between two white posts. The sign contains the standard logo (elephant) on a multicolored background with "Coming Soon" and the contact information. (see insert for temporary sign mock-up)
2. The permanent free standing sign contains the logo and multicolored letters on a white background mounted between two white posts with a stone base. The actual area of the lettering and logo is approximately 18 s.f., and will be approximately 3.5' above finished grade. The sign will be illuminated with uplighting from two ground level spot lights for visibility. The proposed sign is located 2' off the front property line which is approximately 21' from the edge of the travel lane of Great Road to maximize the visibility from Great Road. This sign will be similar, except for the stone base, to the one installed in Chelmsford. (See insert for photos of Chelmsford sign).
3. The proposed sign on the building will have similar components as the free-standing sign with individual letters and logo secured to the building. The columns adjacent to the front door are numbers and letters to identify the entrance and part of the national branding for TLE. (See insert for photos of Chelmsford entry).

"Literal Enforcement would involve a substantial hardship, financial or otherwise"

This site was specifically chosen for a childcare facility by TLE because of the proximity to Littleton Center on a highly traveled commuter route. As a national franchise for childcare, TLE relies on both the name and logo recognition as an important marketing tool and to represent the quality of care and standards required from all operators. Daycare facilities are allowed in all zoning districts in the Commonwealth of Massachusetts.

Literal enforcement would require that a sign in the proposed location be 3 square feet, be a single color on a white background and not be lit. A sign meeting these requirements would not be readily visible to drivers, providing insufficient reaction time for a vehicle traveling at the 45 mph speed limit to turn into the site. Illumination of the sign is similarly important as the normal operating hours of the child development center are until 6 pm including during daylight savings time.

The by-law allows for a nine square foot sign if conforming to the street setback (30'). At the 30' setback from the street line, the sign would be 50' from the edge of the traveled way.

"Hardship is 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..."

This facility is located in a Residential District located on a high volume, state numbered road with a 45 mph speed limit. Several factors which are unique to this site and not the entire Residential District which in combination create the hardship for a 3 square foot sign include:

1. Great Road has a 60' Right of Way which results in the property line being approximately 19' from the edge of the traveled way.
2. There is an existing stonewall along the property line which is a visual barrier to a small sign.
3. The existing speed limit is 45 mph which requires a longer reaction time by drivers to turn into a site. A larger sign with a recognizable logo can be seen at a greater distance by drivers enabling a safe turn into the site.

PLACES Site Consultants, Inc.

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(978) 486-0334 Fax: (978) 486-0447

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4. The slope on Great Road as approaching the site heading easterly is approximately 5%. An eastbound driver will pass the commercial enterprises then increase speed on the hill approaching the site. While the driveway has sufficient sight distances, the sign would not due to the slope and existing stone wall along the roadway.
5. The topography of this site slopes away from the roadway, making the sign less visible from a distance.
6. The property is located approximately 750' east of the Orchard Square southerly site and 450' east of the Orchard Square northerly portion (225 Great Road) which are in the Business District.
7. The site is located in an area with relatively few residences – abutting residentially zoned land on Great Road is vacant.
8. Several other signs for which variances were granted that are abutting the site include the Village on the Common and the Congregational Church of Littleton.
9. There are only two residences in proximity of the site, 212 Great Road and 205 Great Road. Both of these residences are setback from the roadway and the proposed sign will not be visible from the residences.

"That desirable relief may be granted...Without substantial detriment to the public good"

Relief from the sign requirements would result in a sign that would benefit the public by making the sign clear at a greater distance to allow a driver to safely slow down and enter the site. The signs would not be detrimental as there are other similar sized signs along the same area of Great Road and would not be unique to the area.

"Without nullifying or substantially derogating from the intent or purpose of the zoning by-law"

A variance from the sign by-law would not derogate from the intent of the by-law as the types of signs normally located in the residential zone would be for home occupations or similar uses and would not impact neighbors. In this case, the site is located on a busy commuter corridor where speed limits are significantly higher than a residential neighborhood requiring a longer distance for drivers to read and react to signage. The proposed signs will not be visible to either of the nearby residences.

Please contact Susan Sullivan, P.E. at the Littleton office should you have any questions or require additional copies of this submittal. Thank you for your consideration of this request, we look forward to meeting with the Board.

Very truly yours,
PLACES Site Consultants, Inc.

BY:



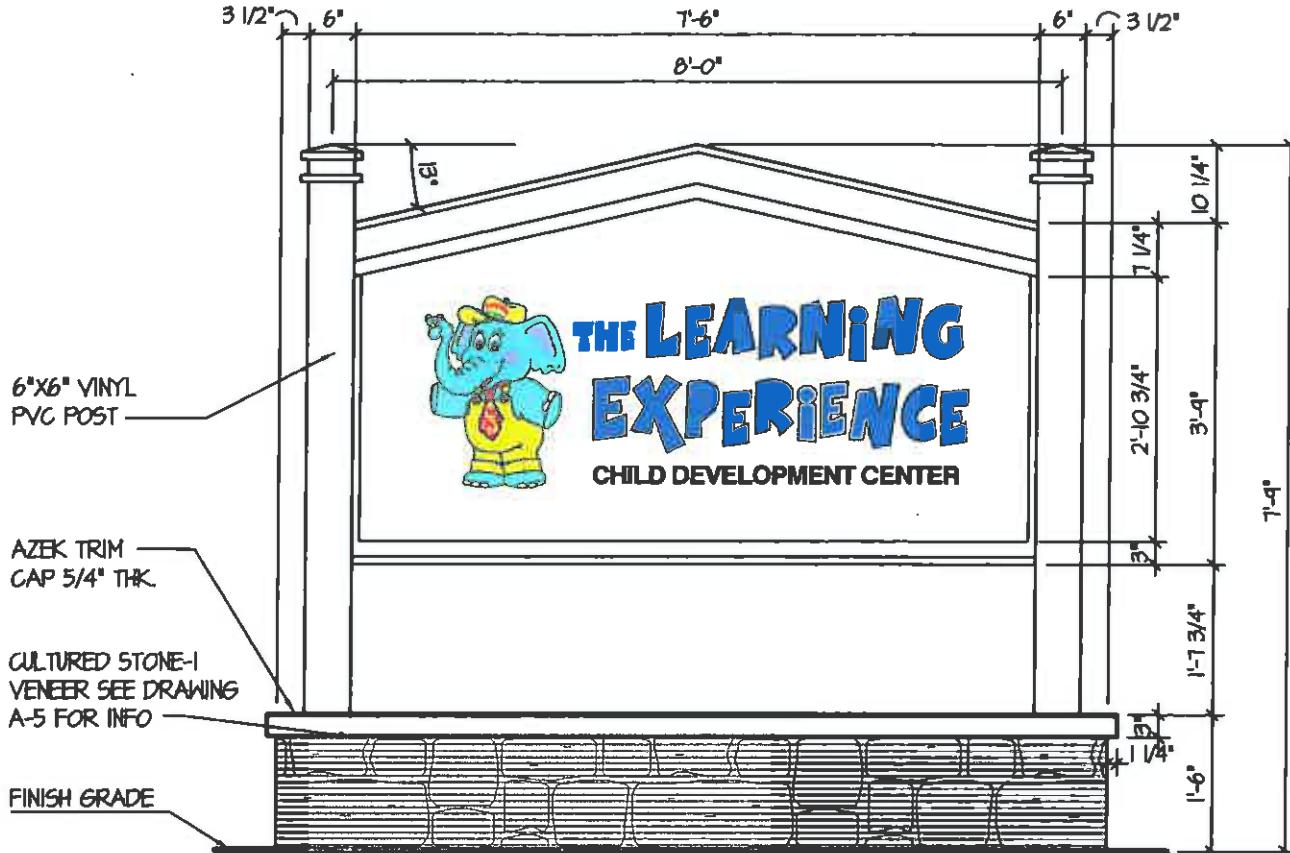
Susan C. Sullivan, P. E.

Cc: OMNI Ventures Littleton LLC

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1

MONUMENT SIGNAGE

SCALE: 1/2" = 1'-0"



Jarmel Kizel
ARCHITECTS AND ENGINEERS INC
42 DINNER PARKWAY
LIVINGSTON, NEW JERSEY 07039
TEL: 973-994-9649
FAX: 973-994-4069
www.jarmelkizel.com

APPEAL
WILLIAM E. NEPPLER, PLAINTIFF
DUE 12/7/1990
CIV. NO. 74-2028-74
APPEAL FORFEITURE, PC
DUE 12/7/1990
SHAWN PALIN, PLAINTIFF
DUE 12/7/1991
RE: State Bar of California, et al. v. Association No. 87
State Bar of CA, Dept. of Legal Services, Attn: PD, GA 247-117

Project:

**THE LEARNING EXPERIENCE
206 GREAT ROAD, ROUTE 2A
LITTLETON, MASSACHUSETTS**

Project Number: GWHOMNI-S-07-206 Scale: AS NOTED

Drawn By: AJW	Approved By: MBJ
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Drawing Name:

MONUMENT SIGNAGE

Drawing Number:

C-2.2

Initial Date: 10/03/08

THE LEARNING EXPERIENCE

CHILD DEVELOPMENT CENTER



THE LEARNING
EXPERIENCE

CHILD DEVELOPMENT CENTER







Bk: 51298 Pg: 169 Doc: DEED
Page: 1 of 4 08/11/2008 03:29 PM

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QUITCLAIM DEED

The Congregational Church of Littleton, Inc., a Massachusetts corporation, of 330 King Street, Littleton, Massachusetts

In consideration of Four Hundred Thousand (\$400,000.00) Dollars

Grants to Mark Brooks, Trustee of Great Road Realty Trust, a Massachusetts realty trust, of 200 Baker Avenue, Suite 303, Concord, Massachusetts 01742, with quitclaim covenants,

A certain parcel of land located on the Southwesterly side of Great Road, Littleton, Middlesex County, Massachusetts being shown as Lot 4A on a plan entitled "Plan of Land in Littleton, Mass. Owned by: Congregational Church of Littleton" prepared by Goldsmith, Prest & Ringwall, Inc. 39 Main St., Suite 301, Ayer, MA 01432, Civil & Structural Engineering, Land Surveying & Land Planning, Scale 1 inch = 60 ft., dated April 4, 2008, and recorded with the Middlesex South District herewith as Plan No. 465 of 2008 (the "Plan") and also shown on a plan entitled "Easement Plan for land owned by: Congregational Church of Littleton" prepared by Goldsmith, Prest & Ringwall, Inc. 39 Main St., Suite 301, Ayer, MA 01432, Civil & Structural Engineering, Land Surveying & Land Planning, Scale 1 inch = 60 ft., dated June 9, 2008, and recorded with the Middlesex South District herewith as Plan No. 465 of 2008 (the "Easement Plan").

Said Lot 4A (the "Property") contains 1.87 acres, more or less, according to the Plan.

Return to:
Eliopoulos & Eliopoulos, P.C.
18 North Road
Chelmsford, MA 01824

MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001
Date: 08/11/2008 03:29 PM
Ctrl# 109907 26612 Doc# 00098264
Fee: \$1,824.00 Con: \$400,000.00

The Property is conveyed subject to a 20 foot wide permanent septic grading easement for the benefit of Lot 3 as shown on the Plan and also on Plan 1338 of 1998 recorded on December 10, 1998 at Book 29499, Page 248.

The Property is conveyed with the benefit of a 20 foot wide permanent septic grading easement on Lot 3 for the benefit of Lot 4A as shown on the Plan and also on Plan 1338 of 1998 recorded on December 10, 1998 at Book 29499, Page 248.

The Property is conveyed with the benefit of a grading easement area containing approximately 4,311 square feet on Lot 4B as shown on the Easement Plan.

The Grantor reserves for the benefit of Lot 4B and the Property is conveyed subject to a grading easement area containing approximately 2,801 square feet on Lot 4A as shown on the Easement Plan.

The Grantor reserves and the Property is conveyed subject to a 10 foot wide easement containing approximately 2,999 square feet on Lot 4A for municipal water line and other underground utility use as shown on the Easement Plan.

The Property is conveyed with the benefit of a 10 foot wide easement containing approximately 3,729 square feet on Lot 4B for municipal water line and other underground utility as shown on the Easement Plan.

Following the disturbance of any easement area described herein, the person or entity responsible for such disturbance shall return the surface to its previous state. No buildings or other structures, excepting signs and driveways, shall be built within any easement area described herein.

The Grantor reserves the right to use all parking areas and driveways on the Property ("Parking Area") free of charge (including but not limited to charges for maintenance, repairs, and taxes), all day on Saturdays and Sundays and outside of Grantee's regular business hours on all other days. In all events, Grantor shall send prior written notice to the then current tenant of the Property (or if the tenant is unknown, to the Grantee) stating

the date and time Grantor anticipates using the Parking Area. The tenant (or if the tenant is unknown, the Grantee) shall approve such use unless it unreasonably interferes with events already planned and scheduled by the tenant. Grantor shall obtain insurance for such use, naming Grantee and tenant as additional insured and promptly restore the Parking Area after each use. Grantor may only use the Parking Area when Grantor's abutting property is used for church purposes. Excepting sales or conveyances to other churches, the Parking Area easement shall be permanently released (without need for a recorded instrument thereon) if Grantor conveys all of its remaining abutting property to an entity or person for non-church uses and purposes.

For Grantor's title see Deed recorded at the Middlesex South District Registry of Deeds at Book 30411, Page 372. See also: (1) the Dorothy K. Flagg Trust dated November 7, 1991, recorded at the Middlesex South District Registry of Deeds on December 10, 1991 at Book 21594, Page 310; (2) deed of Dorothy K. Flagg to David W. Flagg and Richard V. Flagg as trustees of said Dorothy K. Flagg Trust created on November 7, 1991, recorded at Book 21594, Page 321; (3) Trustees Certificate of David W. Flagg and Richard V. Flagg as trustees of said Dorothy K. Flagg Trust dated November 7, 1991, recorded at Book 30411, Page 362; (4) Certificate of Death of Dorothy K. Flagg (on April 23, 1997) recorded in Book 30057, Page 38; (5) Declaration of Trust Establishing Dorothy K. Flagg Trust dated June 25, 1998 recorded at Book 29044, Page 417; and (6) deed of David W. Flagg and Richard V. Flagg to David W. Flagg and Richard V. Flagg as trustees of said Dorothy K. Flagg Trust created on June 25, 1998, recorded at Book 29044, Page 423.

This conveyance does not constitute the sale of all or substantially all of the assets of the corporation.

Witness my hand and seal this 9th day of June 2008.

Congregational Church of Littleton

By:

Holly R. Magner
Holly Magner, Chairperson

COMMONWEALTH OF MASSACHUSETTS

On this 9th day of June 2008 before me, the undersigned notary public, personally appeared Holly Magner, proved to me through satisfactory evidence of identification, her Massachusetts Drivers License, to be the person whose name is signed to the preceding or attached document, and proved to me that she signed it voluntarily for its stated purpose.

Beverly A. Iacoviello

Notary Public

My Commission expires:

Beverly A. Iacoviello
Notary Public
My Commission Expires
October 23, 2009

Eugene C. Brune
Attest Middlesex S. Register