

ZBA Case No.: 950A Address 24 Manchester

TOWN OF LITTLETON
BOARD OF APPEALS
 37 Shattuck Street
 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

The filing is not official until stamped by the Town Clerk

Filing Fee paid: \$ _____ Check # _____

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 Sections 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 may also be issued by the Board of Appeals. Action taken by the Building Commissioner 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 issue 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, unlike 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 require 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, shapes, 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 applicant, 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.

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.

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)

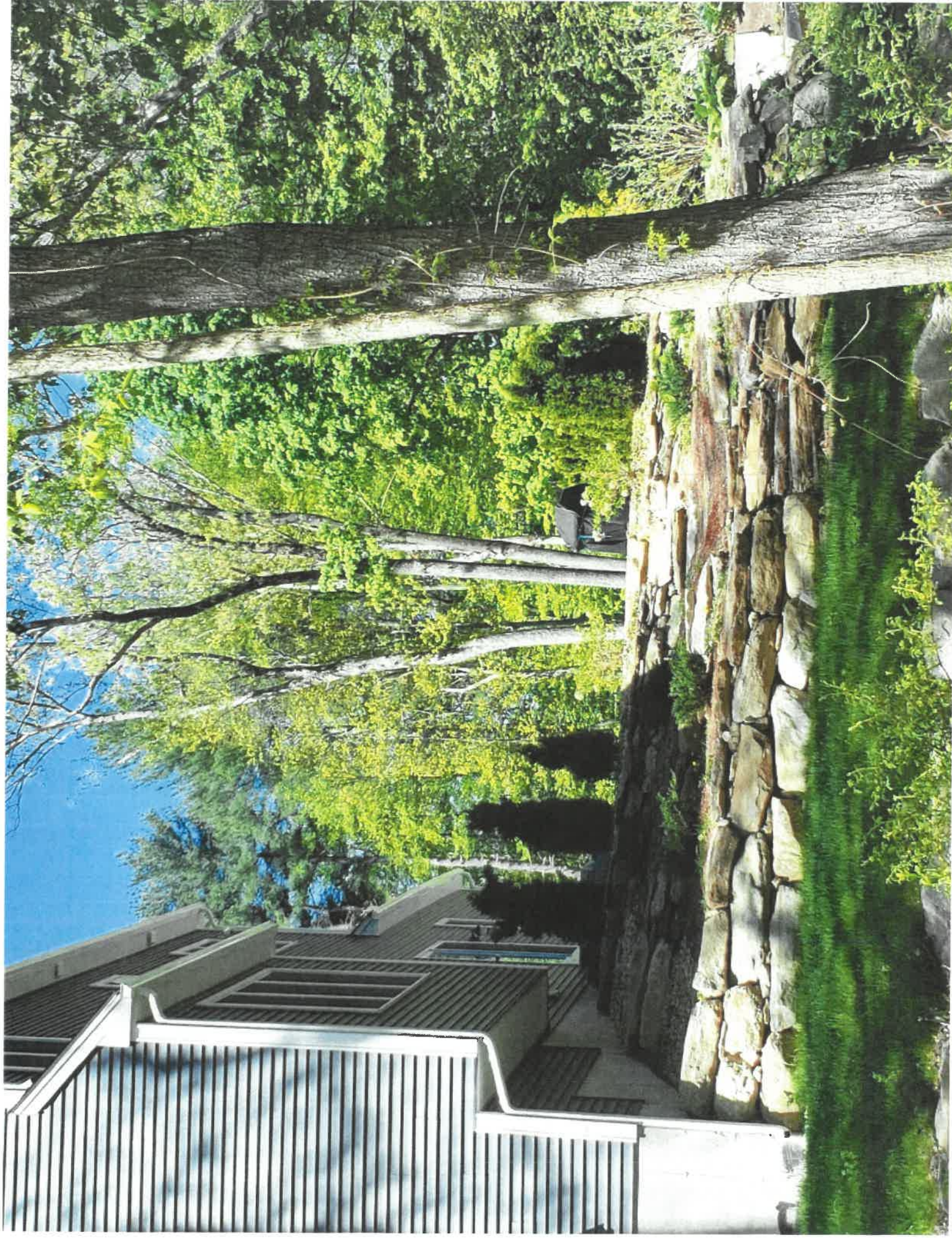
PETITIONER: Signature: Jia Zheng Date: 8/4/2020
 Print Name: Jia Zheng
 Address: 24 Manchester Dr Phone: 978-761-1156
 Town, State, Zip: Littleton MA 01460 Email Address: zhengjia765@yahoo.com

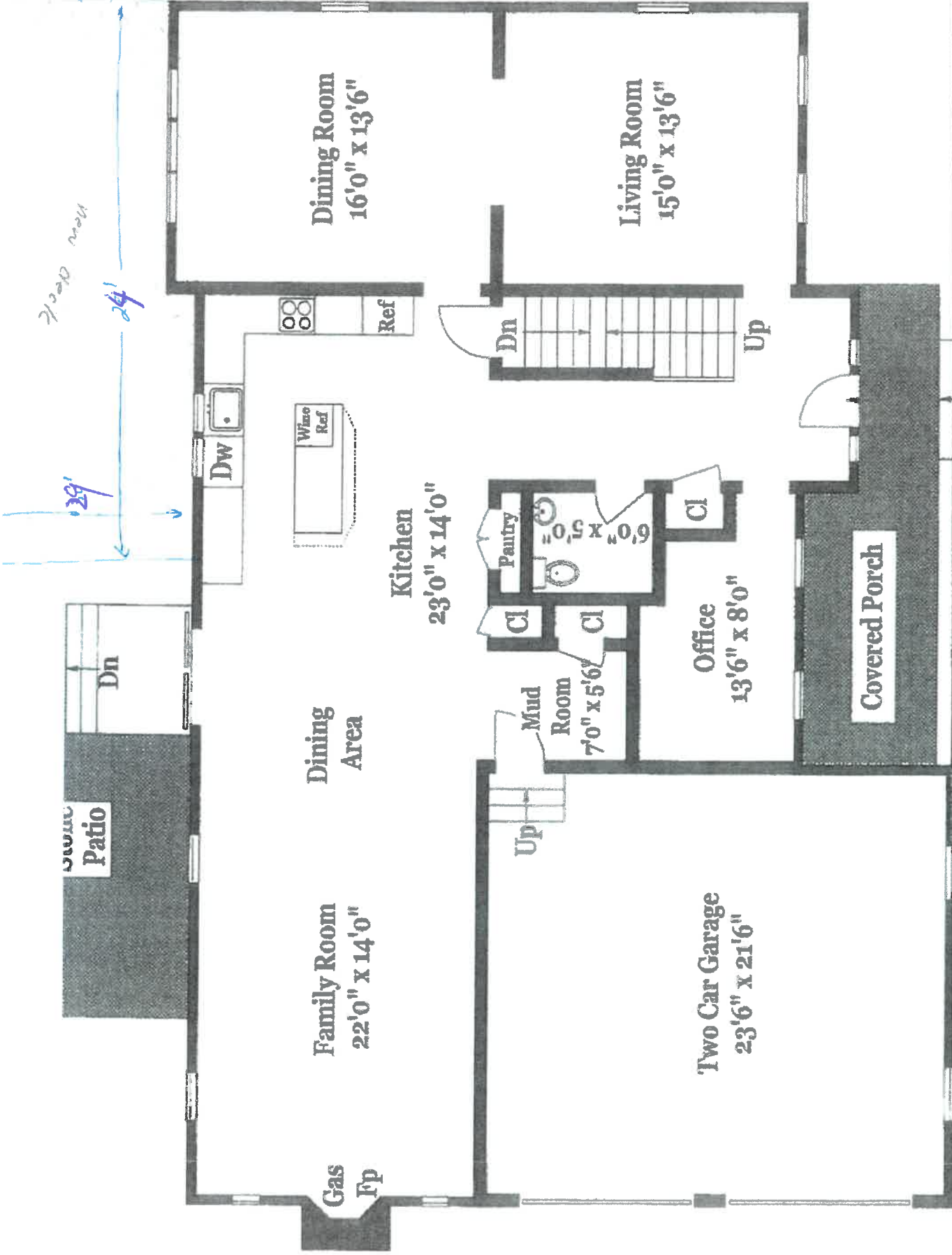
PROPERTY OWNER: Signature: [Signature] Date: 8/4/2020
 Print Name (if different from petitioner): _____ Phone: 978-761-1156
 Address (if different from petitioner): _____ Email: zhengjia765@yahoo.com

ASSESSOR MAP & PARCEL NUMBER: U14-22-0
 ZONING DISTRICT: VC B IA IB (Circle all that apply)

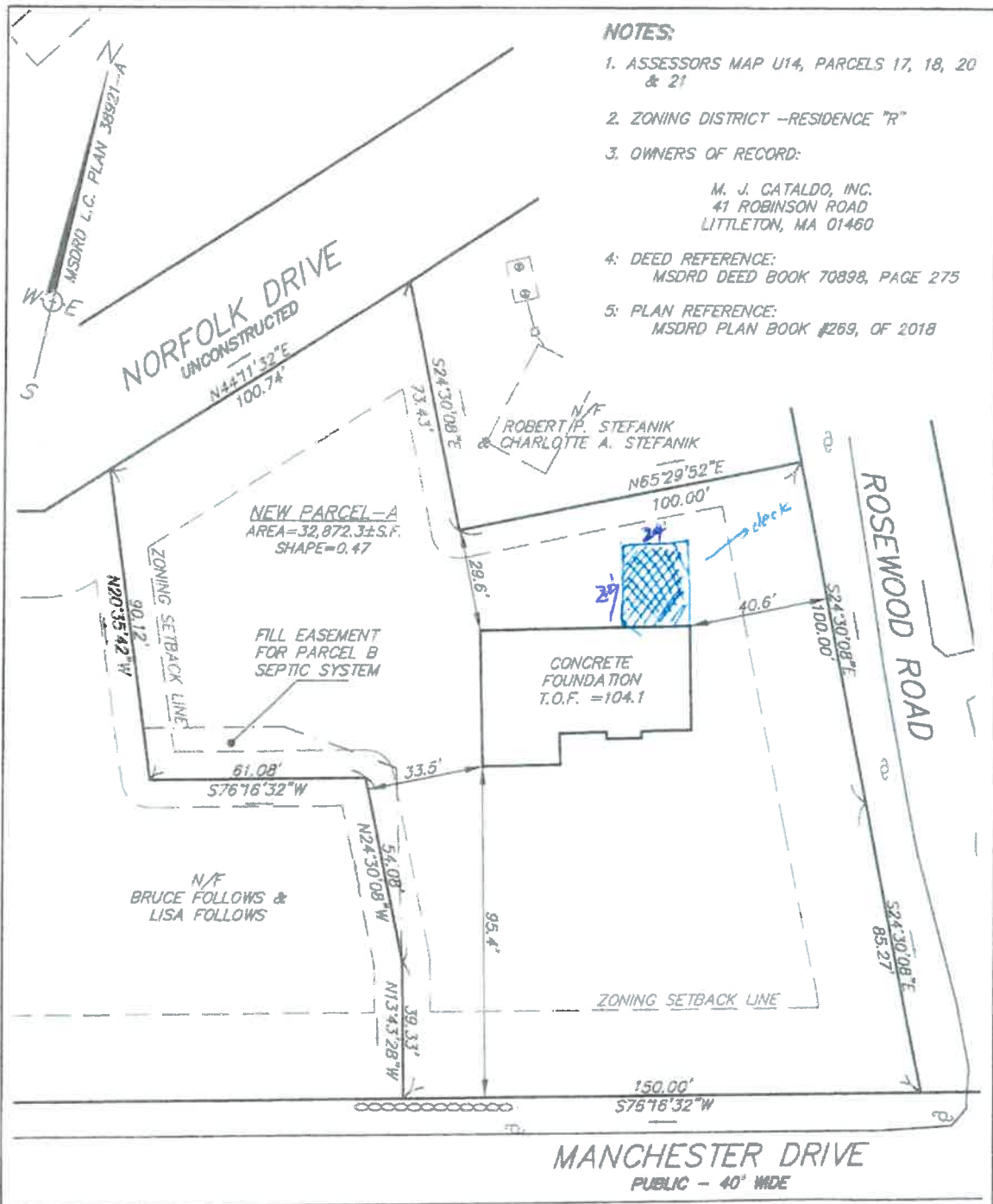
Check box if applicable
 AQUIFER DISTRICT
 WATER RESOURCE DISTRICT

FEES
 Residential Property \$200 filing fee + additional fees - \$375.00 to Town of Littleton
 Commercial Property \$350 filing fee + additional fees - \$475.00 to Town of Littleton
 Comprehensive Permit \$1000 + \$100/unit over 10 units
ADDITIONAL FEES: ALL APPLICATIONS:
 \$75 Recording fee, \$25 shunter list, \$75 legal notice fee





Drawings, Dimensions and Square Footage are approximate and may vary from actual construction. Builder reserves right to make changes and substitutes at any time.



- NOTES:**
1. ASSESSORS MAP U14, PARCELS 17, 18, 20 & 21
 2. ZONING DISTRICT --RESIDENCE "R"
 3. OWNERS OF RECORD:
M. J. CATALDO, INC.
41 ROBINSON ROAD
LITTLETON, MA 01460
 4. DEED REFERENCE:
MSDRD DEED BOOK 70898, PAGE 275
 5. PLAN REFERENCE:
MSDRD PLAN BOOK #269, OF 2018

I CERTIFY THAT THE FOUNDATION SHOWN ABOVE LIES ENTIRELY WITHIN THE LOT LINES AS SHOWN AND IS NOT LOCATED WITHIN A FLOOD HAZARD AREA AS SHOWN ON FLOOD INSURANCE RATE MAPS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY. MAP NUMBER 25017C0239F WITH EFFECTIVE DATE OF JULY 7, 2014.



Michael D. Boyko 12/26/18
PROFESSIONAL LAND SURVEYOR DATE

**CERTIFIED PLOT PLAN
MANCHESTER DRIVE
LITTLETON, MASSACHUSETTS**

PREPARED FOR:
M. J. CATALDO
41 ROBINSON ROAD
LITTLETON, MA 01460

SCALE: 1"=30' DECEMBER 26, 2018

NORSE DESIGN SERVICES, INC.
3 PONDVIEW PLACE
TYNGSBOROUGH, MASSACHUSETTS 01879
(978) 649-1966 FAX (978) 649-2241
JOB NO. 5816

FIELD: MDB	CALCS: MDB	DESIGN: JLH	CHECK: MDB
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Reserved for Registry Use
CORPORATE DEED

M.J. Cataldo, Inc., A Massachusetts Corporation with its principal offices located at 41 Robinson Road, Littleton MA 01460

For consideration paid and in full consideration of Seven Hundred Thirty-Nine Thousand Five Hundred Dollars (\$739,500.00);

Grants to:

Pei I. Ho and Jia Zheng, Husband and Wife, as tenants by the entirety, now of 24 Manchester Drive, Littleton MA 01460;

with **QUITCLAIM COVENANTS**

24 Manchester Drive Littleton MA

The land in Littleton, Middlesex County, Massachusetts with the buildings and improvements thereon, situated on the northly side of Manchester Drive and as shown as New Parcel A on a Plan of Land entitled "Plan of Land Manchester Drive, Littleton MA., prepared for Cataldo Landscape & Construction, PO Box 1343, Littleton MA 01460" dated February 9, 2018 and recorded at the Middlesex South District Registry of Deeds as Plan 269 of 2018 and which said New Parcel A is more accurately bounded as follows:

Beginning at the Southwesterly corner of said granted New Parcel A and Manchester Drive. North 76° 16' 32" East 150.00' (one hundred fifty feet) along Manchester Drive; thence

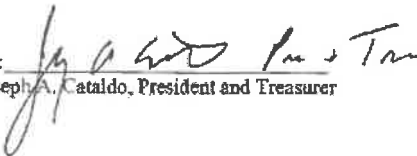
North 24° 30' 08" West along Rosewood Road 185.27' (one hundred eighty-five and twenty-seven one hundredths feet); thence

South 65° 29' 52" West along the land now or formerly Stefanik 100' (one hundred feet); thence

North 24° 30' 08" West along the land now or formerly Stefanik 73.43' (seventy-three and forty-three one hundredths feet); thence

IN WITNESS WHEREOF, the M.J. Cataldo, Inc, has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by its President and Treasurer hereto duly authorized this 16th day of May 2019;

M.J. Cataldo, Inc

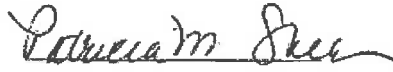
By: 
Joseph A. Cataldo, President and Treasurer

THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

May 16, 2019

Then personally appeared the above-named Joseph A. Cataldo, personally known to me, to be the person whose name is signed on the preceding document and acknowledge to me that he signed it voluntarily for its stated purpose, as President and Treasurer of M.J. Cataldo, Inc., a Massachusetts corporation.



Notary Public

My Commission Expires: *Aug 9, 2024*



TOWN OF LITTLETON

REQUEST FOR CERTIFIED LIST OF ABUTTERS

THE FEE FOR PREPARING THE LIST IS AS FOLLOWS:

- Within 300 feet: \$25.00
- Within 100 feet: \$10.00
- Direct & across the street: \$5.00

check
✓ #1572

THE FEE MUST BE PAID AT THE TIME THE REQUEST IS MADE

Applicant: _____ Name of Firm: _____
 Address: _____
 Contact Phone #: _____

Request abutters list for:

Owner Name: Jia Zheng
 Property Location: 24 Manchester
 Parcel ID: U14-22
 Date you need the list by: ASAP

The Assessors' Office will generate & certify the requested **abutters list**, for the appropriate boards. Please check the appropriate departments.

- | | | |
|--------------------|-------------------------------------|--|
| Planning Board | _____ | Ch 40A Sec 11 (300 feet) |
| " " | _____ | Ch 41 Sec 81T (anr) (applicant & abutters) |
| Board of Appeals | <input checked="" type="checkbox"/> | Ch 40A Sec 11 (300 feet) |
| Conservation Comm | _____ | Ch 131 Sec 40 (100 feet) |
| Board of Selectmen | _____ | Ch 138 Sec 12, 15A (abutters & 500 ft if
Within school, church or hosp) |
| Board of Health | _____ | 310 CMR 15.000 (direct & across the street) |
| Other | _____ | Specify |

Mailing labels can be provided for you at an additional charge of \$2.50 per sheet (14 labels per sheet) _____ Please check here if you would like the labels with this list.

Thank you
so much!
-Janet