

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 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 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 and limitations on time or use. 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?

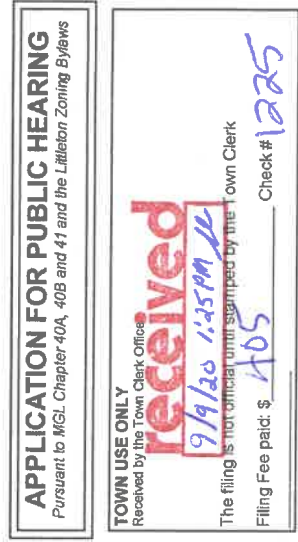
Chapter 40B is a state statute, which enables local Boards of Appeals to approve affordable housing developments under flexible rules if at least 25% of the units have long-term affordability restrictions. Also known as the Comprehensive Permit Law, Chapter 40B was enacted in 1969 to help address the 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, 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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ZBA Case No.: 951A Address 19 Colonial Dr



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.

Deborah A. Richards
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 Joanne M. Attridge Date: 9/6/2020
 Print Name JOANNE M. ATTRIDGE Phone # 978-486-4554
19 COLONIAL DRIVE Email Address JMATTRIDGE@GMAIL.COM
 Address LITTLETON, MA 01460 Town, State, Zip
 Dead Reference: BK-51373 Page 286

PROPERTY OWNER: include authorization of Owner for Petitioner to represent Owner, if unsigned
Joanne M. Attridge Signature Date 9/6/2020
978-486-4554 Phone #
JMATTRIDGE@GMAIL.COM Email

ASSESSOR MAP & PARCEL NUMBER U31-40-0
 ZONING DISTRICT: VC B IA IB (Circle all that apply)
 Check box if applicable AQUIFER DISTRICT WATER RESOURCE DISTRICT

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 § _____

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 _____

See supplemental instructions: Littleton Zoning Board of Appeals Rules for the Issuance of a Comprehensive Permit under

Special Permit 40B

Under MGL c. 40B

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? **173-31**

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 _____

Joanne M. Attridge

JOANNE M. ATTRIDGE

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. 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 3 copies and an electronic copy 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

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, points 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

**JOANNE M. ATTRIDGE
BROCK W. HOLDEN**

19 Colonial Drive, Littleton, MA 01460 | 978-486-4554 | jmattridge@gmail.com

September 1, 2020

Zoning Board of Appeals
Town of Littleton, MA
37 Shattuck Street
Littleton, MA 01460

Dear Zoning Board of Appeals:

We, the owners of 19 Colonial Drive, are writing to request a variance pursuant to Section 173-31 Intensity of Use, for an accessory dwelling to be built on our property with reduced rear and side setback. We would like to build a storage shed on the southeast corner of the property, adjacent to the property of two neighbors and a narrow slice of Town land. The shed will have dimensions of eight feet by ten feet, and will be emplaced two feet from the south property line and six feet from the east property line as shown on the accompanying plot plan.

We have little choice as to where a shed can be placed as the leeching field of our septic system takes up most of the open space in our yard. The west side of the property includes a steep slope down to Colonial Drive, and the north side has a steep slope into a narrow, wooded area that is not owned by us.

The southeast corner of our property abuts a narrow, three-foot wide Town owned easement to the east, located at the base of a hill. The hill is owned by Jim and Mary Drew of 1 Richard Way. We have attached an email from Jim Drew in support of the shed's construction. The south corner abuts Nick and Michelle Faust's property at 9 Colonial Drive. Nick and Michelle have also provided a letter of support that is included with this application.

Thank you for your consideration,

Joanne M. Attridge *Brock W. Holden*

**Joanne M. Attridge
Brock W. Holden**

MORTGAGE INSPECTION PLAN

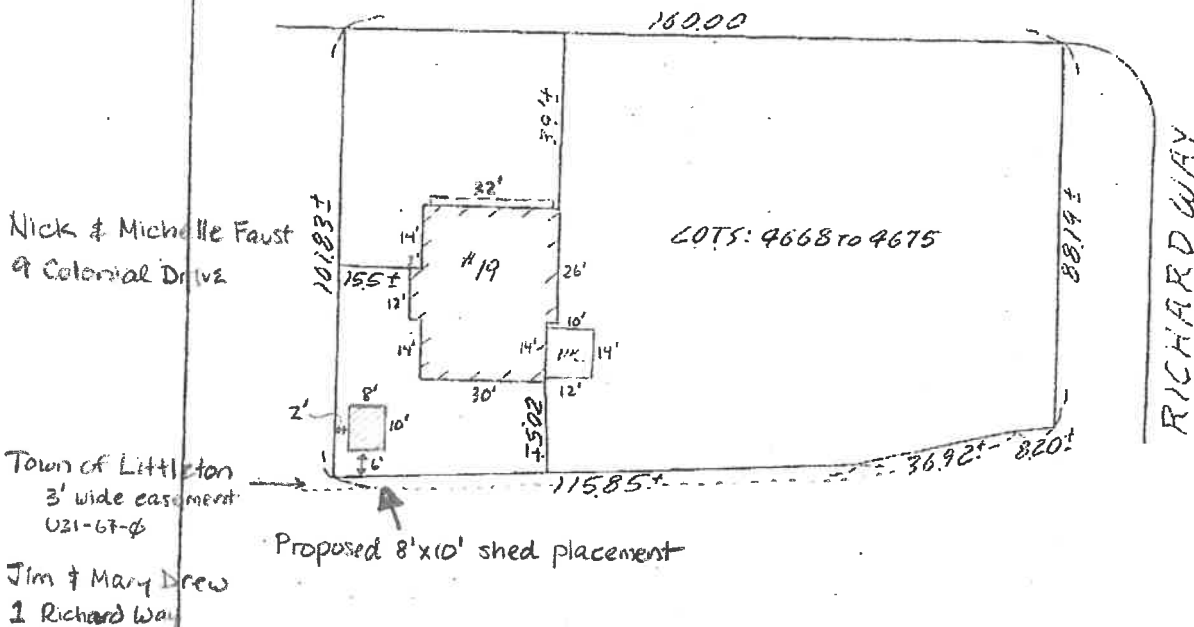
SULLIVAN SURVEY
P.O. BOX 2513
WOBURN, MA. 01888-0913
TEL. (781) 941 8750
FAX (781) 942-2437



[Handwritten signature]



COLONIAL DR.



Nick & Michelle Faust
9 Colonial Drive

Town of Littleton
3' wide easement
U21-67-φ

Jim & Mary Drew
1 Richard Way

Proposed 8'x10' shed placement

DEED: 49991/67

PLAN BK. 362/28

THIS TAPE SURVEY, CERTIFICATION & MORTGAGE INSPECTION PLAN ARE MADE FOR THE USE OF HE MOVES MORTGAGE, LLC FOR MORTGAGE PURPOSES ONLY.

BASED ON MY KNOWLEDGE, INFORMATION & BELIEF, I CERTIFY THAT THE BUILDING [S] CONFORM [S] TO THE ZONING BY-LAWS [DIMENSIONAL REQUIREMENTS] OF THE TOWN/CITY OF LITTLETON, MASSACHUSETTS

THE STRUCTURE [S] IS/ARE NOT IN THE SPECIAL FLOOD HAZARD AREA AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY MAP OF THE TOWN/CITY OF LITTLETON, MASSACHUSETTS

COMMUNITY PANEL NUMBER 2502000006 B
FLOOD INSURANCE RATE MAP EFFECTIVE DATE / REVISED 6/15/1983

TOWN / CITY	DATE	REGISTRY REFERENCE	SCALE
LITTLETON	6/25/2008	MIDDLESEX	1 IN. = 30'

2

MASSACHUSETTS QUITCLAIM DEED SHORT FORM

Westchester Company, Inc., a Massachusetts Corporation with a principal place of business at 411 Massachusetts Avenue, Suite 304, Acton, Massachusetts

for consideration paid, and in full consideration of Five hundred fifty two thousand and 00/100 (\$552,000.00) Dollars,

grant to Joanne M. Attridge & Brock W. Holden, husband and wife, as tenants by the entirety, of 19 Colonial Drive, Littleton, Massachusetts,

with quitclaim covenants

The land with the buildings thereon located on Colonial Drive, Littleton, Middlesex County, Massachusetts being shown as lots numbered 4668, 4669, 4670, 4671, 4672, 4673, 4674 and 4675 all as shown on a plan of land entitled "Map C of the Long Lake area of Littleton" recorded with the Middlesex South District Registry of Deeds in Book of Plans 362, Plan No. 28.

For title, see deed from David W. Tierney dated August 21, 2007 and recorded on August 21, 2007 at Book 49991 Page 67 with the Middlesex South Registry of Deeds.

This conveyance does not constitute all or substantially all the assets of the corporation in the Commonwealth of Massachusetts.



2008 00106631

Bk: 51373 Pg: 286 Doc: DEED
Page: 1 of 2 06/27/2008 03:08 PM

19 Colonial Dr., Littleton, MA

The Law Office of
CHRISTINE MORGAN
Patriot Square Building
179 Great Road • Acton, MA 01720

MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001
Date: 06/27/2008 03:08 PM
Ctrl# 110948 31615 Doc# 00106631
Fee: \$2,617.12 Cons: \$552,000.00

Michelle and Nicholas Faust
9 Colonial Drive
Littleton, MA 01460
908-217-5331

August 22, 2020

To Whom it May Concern:

Per discussions with our neighbors, Joanne Attridge and Brock Holden of 19 Colonial Drive, we are aware of their request to construct a shed on their property within the setback of the property lines as defined by the Town of Littleton Zoning Bylaws. We have discussed the proposed location and fully support their request. We have no reservations or concerns with the construction of the proposed shed.

Sincerely,



Nicholas Faust



Michelle Faust



Joanne Attridge <jmattridge@gmail.com>

Shed**Hotmail** <jdrew86@hotmail.com>

Sun, Aug 23, 2020 at 6:41 PM

To: Joanne Attridge <jmattridge@gmail.com>

Cc: Mary Drew <marydrew93@gmail.com>

Hi Jody, absolutely no issue at all on our side. I've been thinking about a shed for years but haven't pulled the trigger yet. :-).

Best Regards,
Jim Drew

Sent from my iPhone

> On Aug 23, 2020, at 3:48 PM, Joanne Attridge <jmattridge@gmail.com> wrote:

>

>

> Hi Jim and Mary,

>

> Brock and I would like to put up a shed. The logical place for us to put it is the back corner of our property, adjoining Nick and Michelle's lot, and just down the hill from your house. There is a chance that the shed would not come within 10 feet of your lot because of that narrow line of town land between our properties, but we wanted to check with you in case we do come closer than 10 feet. We would be happy to show you what we are thinking if you want to come take a look. Applications for the October 15th zoning board meeting are due September 8th, so we would love to know if you have any concerns before then.

>

> Thank you,

>

> —Brock and Jody



Far left: Looking north along Colonial Drive showing steep slope of property.



Near left: Looking up slope from northwest corner of property across lawn towards house.



Far left: Looking south up slope towards house. Taken from northern property line along the stone "wall" visible in photo.

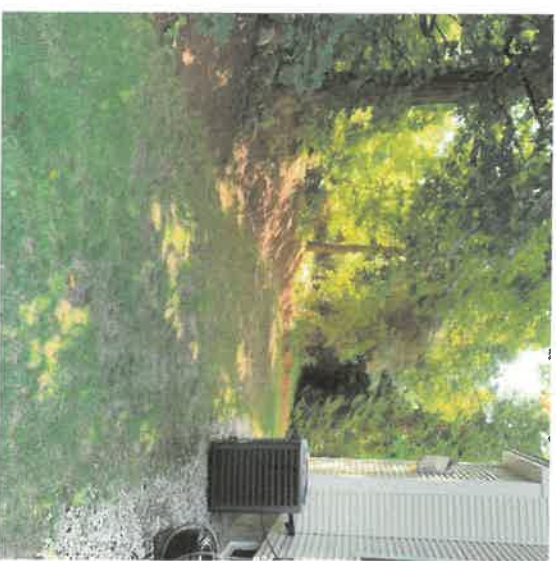
Near left: Looking along northern property line towards Colonial Drive.



Above: View of the proposed shed location looking east across the Town easement and up the hill towards the Drew property.



Above: View of the proposed shed location looking south towards the Faust property.



Above: Looking south along east edge of property line. Proposed shed location is at back of photo.