


ZBA Case No.: 941A Address: 5 Long Lake Rd

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
2/10/2020 10:00AM
The filing is not official until stamped by the Town Clerk
Filing Fee paid: \$ 200 Check # 1367

TOWN OF LITTLETON
37 Shattuck Street
Littleton, MA 01460
Tel: 978-540-2420



BOARD OF APPEALS

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

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 abutter list, \$75 legal notice fee

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 _____
Andrew McNaught
Print Name
5 Long Lake Road
Address
Littleton, Ma. 01460
Town, State, Zip
Phone # 978-452-0522
Email Address andrewm@gcattorneys.com
Date _____
Deed Reference: 60793-Page 347

PROPERTY OWNER: Signature _____
Print Name (if different from petitioner) _____
Address (if different from petitioner) _____
Date 2/11/20
Phone # 508-294-3928
Email andrewm@gcattorneys.com

ASSESSOR MAP & PARCEL NUMBER U16-24-0
ZONING DISTRICT: R VC B IA IB (Circle all that apply)
Check box if applicable:
 AQUIFER DISTRICT
 WATER RESOURCE DISTRICT

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 2B, 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, § 9, 9A, and 9B. Special Permits may be issued by the Building Commissioner acting under MGL C. 41, §81Y as a means of enforcing the Subdivision, Control Law 152 will also be heard 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-law provides that other uses are not allowed in certain zoning districts, and that specific types of uses shall only be permitted in specific 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 purposes 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-law 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-law is permitted. A Variance is distinguished from a Special P 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 the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial detriment to the public good and without nullifying or substantially defeating the purpose of the ordinance or by-law. Even if the Board of Appeals determines 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.

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?
(Handwritten: Attach copies of written order or decision made appeal)
2. Which statute or Zoning Bylaw do you rely for your appeal?
Administrative Official: _____ Date of order / decision: _____
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 Applicants 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?
2. Why are you seeking relief from a literal enforcement of this Zoning Bylaw?
Sec. 173 Attachment 1
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.

Andrew McNair
Signature _____ 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:
 - A) 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:
 - A) areas and bounds of the subject land
 - B) adjacent streets and other names and readily identifiable landmarks and fixed objects
 - C) dimensional layout of all buildings
 - D) distances and setbacks from the various boundaries
 - E) exact dimensions, setbacks and specifications of any new construction, alterations, additions or installations
 - F) direction of North
 - G) the name of each abutting property owner
 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, prints 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

Page 3

DAVID E. ROSS ASSOCIATES, INC.

Civil Engineers, Land Surveyors, Environmental Consultants

February 11, 2020

Town of Littleton
Board of Appeals
37 Shattuck Street
P.O. Box 1305
Littleton, Ma. 01460

Re: Variance Request
Andrew McNaught
5 Long Lake Road
Littleton, Ma.
Project No.33167


Dear Board Members,

On behalf of our client, Andrew McNaught, enclosed please find an Application for a Public Hearing relative to an existing structure located at 5 Long Lake Road. The homeowner is seeking a variance from Sec.173 Attachment 1-Intensity of Use Schedule to construct an addition onto the easterly side of the existing structure.

The existing house was constructed in 1957 and is part of Lost Lake Shores created by a plan dated April 15, 1945 which created 73 small lots adjacent to Long Lake. As the Plot Plan prepared by this office indicates the lot contains 75-feet of lot frontage, a depth of 112.50' and a total area of 8,437 Square Feet and is considered a pre-existing non-conforming structure on a non-conforming lot. This proposed addition will be consistent with the neighborhood, will not create a safety hazard, is comparable with the setbacks in the neighborhood and is not substantially more detrimental to the neighborhood than the existing nonconformity. In addition, similar variances have been granted by the Board of Appeals for properties located within the direct vicinity of the subject parcel.

Please review this submission and contact the undersigned with any comments or questions.

Very Truly Yours;
David E. Ross Associates, Inc.:



Kevin R. Conover

THIS PLAN IS NOT TO BE USED FOR THE ESTABLISHMENT OF PROPERTY LINES, ERECTION OF FENCES, LANDSCAPING

Certified Plot Plan

5 Long Lake Road Littleton, Mass.

STREET TOWN

David E. Ross Associates, Inc.

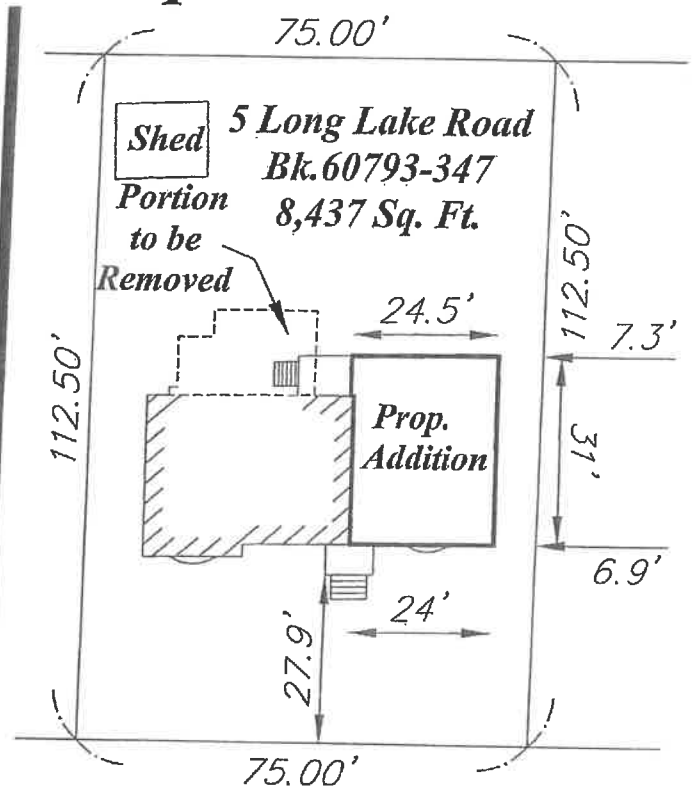
6 LANCASTER COUNTY ROAD - P.O. BOX 795 - HARVARD, MASS 01451
(978) 772-6232 FAX 772-6258



~Existing~ N/F

Panish FND
I. PIPE

~Proposed~



Long Lake Road

Long Lake Road

Zoning Classification: Residence

Scale: 1"=30'

Existing Lot Coverage=29.5 ± %

Proposed Lot Coverage=33.3 ± %

I certify that the existing house and proposed addition are located on the lot as shown.

I further certify that the existing house and proposed addition are located within Flood Zone "X" (unshaded) per Flood Insurance Rate Map (FIRM) for the Town of Littleton, Community Panel No.250200 0236 F dated July 7, 2014.

REFERENCES: **Job#33167, NB 818-13, Job#33004**

PLAN NO. **S-14908**

Middlesex South Registry of Deeds Electronically Recorded Document

This is the first page of this document - Do not remove

Recording Information

Document Number	: 281616
Document Type	: DEED
Recorded Date	: December 21, 2012
Recorded Time	: 10:13:00 AM
Recorded Book and Page	: 60793 / 347
Number of Pages(including cover sheet)	: 3
Receipt Number	: 1503782
Recording Fee (including excise)	: \$1,262.72

MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001
Date: 12/21/2012 10:13 AM
Ctrl# 179553 27584 Doc# 00281616
Fee: \$1,137.72 Cons: \$249,250.00

**Middlesex South Registry of Deeds
Eugene C. Brune, Register
208 Cambridge Street
Cambridge, Massachusetts 02141
617/679-6310**

QUITCLAIM DEED

We, ALEKSANDR SHNEYDERMAN and IRINA M. SHNEYDERMAN, being married to each other, of 5 Long Lake Road, Littleton, Massachusetts 01460,

in consideration of TWO HUNDRED FORTY NINE THOUSAND TWO HUNDRED FIFTY AND 00/100 (\$249,250.00) DOLLARS,

grant to ANDREW MCNAUGHT, of 5 Long Lake Rd, Littleton, MA individually

with QUITCLAIM COVENANTS,

The land in Littleton, Middlesex County, Massachusetts, with the buildings thereon being shown as Lot 24 on a plan of Long Lake Shores, Goldsmith Street, and Town Road, Littleton, Mass., owned by Thompson Lake Shores, Inc. by Horace F. Tuttle, Surveyor, dated April 15, 1945 and recorded with Middlesex South District Deeds at the end of Book 6855, bounded and described as follows:

SOUTHERLY: by Long Lake Road, seventy-five (75) feet;

WESTERLY: by Lot 25, as shown on said plan, one hundred twelve and five tenths (112.5) feet;

NORTHERLY: by part of Lot 33, as shown on said plan, seventy-five (75) feet; and

EASTERLY: by Lot 23, as shown on said plan, one hundred twelve and five tenths (112.5) feet.

Subject to restrictions recited in deed dated November 7, 1946 and recorded in Book 7065, Page 398.

For title reference, see deed dated November 26, 2002 and recorded with the Middlesex South District Registry of Deeds in Book 37185, Page 83.

Property Address: 5 Long Lake Road, Littleton, MA 01460

WITNESS our hands and seals this 16 day of December, 2012

Aleksandr Shneyderman
Aleksandr Shneyderman

Irina M. Shneyderman
Irina M. Shneyderman

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this 16 day of December, 2012, before me, the undersigned notary public, personally appeared Aleksandr Shneyderman, proved to me through satisfactory evidence of identification, which was [] state issued driver's license or [] _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

[Signature]
Notary Public:
Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.



LAURA FRANCO
Notary Public
Commonwealth of Massachusetts
My Commission Expires July 25, 2019

On this 16 day of December, 2012, before me, the undersigned notary public, personally appeared Irina M. Shneyderman, proved to me through satisfactory evidence of identification, which was [] state issued driver's license or [] _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

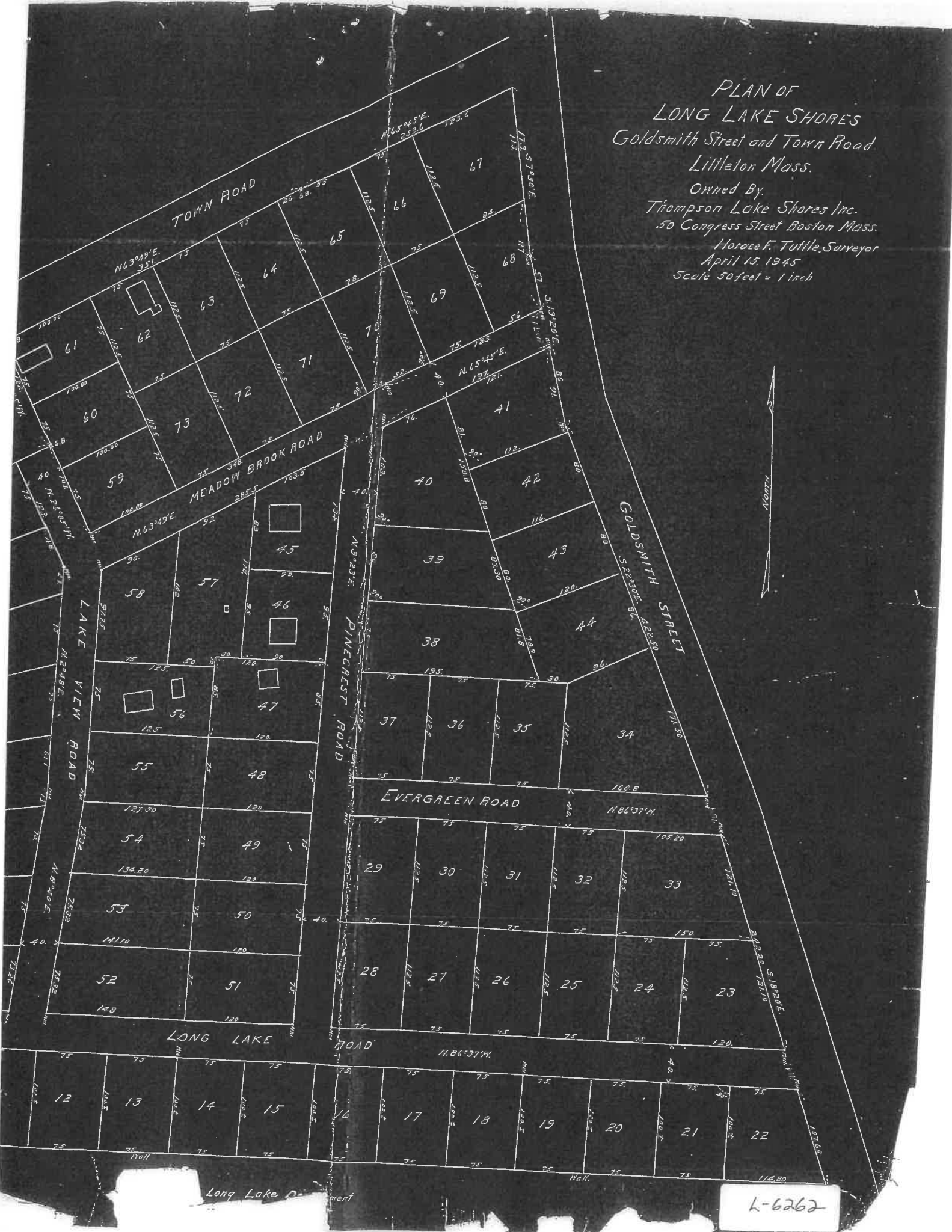
[Signature]
Notary Public:
Commission Expires:



LAURA FRANCO
Notary Public
Commonwealth of Massachusetts
My Commission Expires July 25, 2019

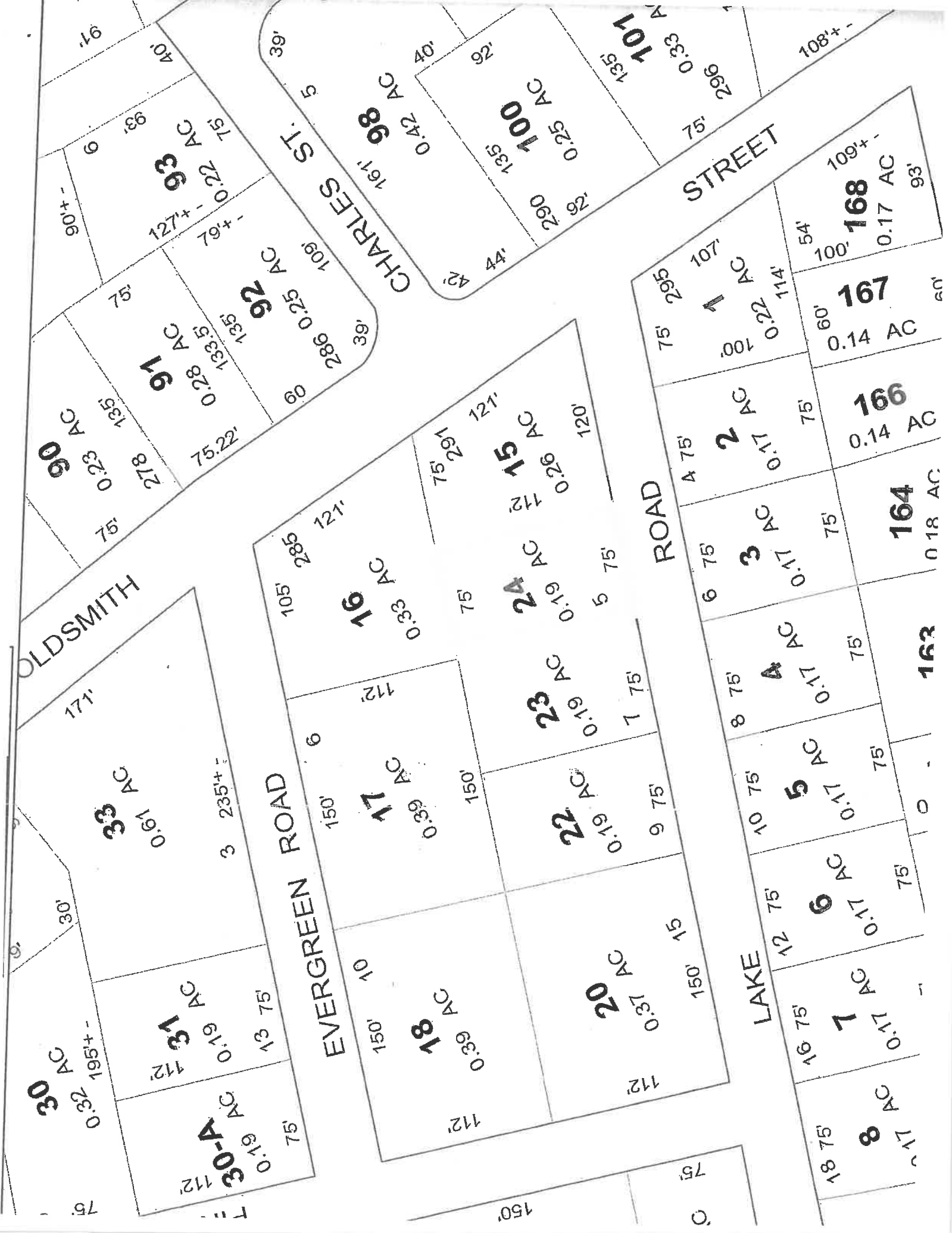
PLAN OF
LONG LAKE SHORES
Goldsmith Street and Town Road
Littleton Mass.

Owned By
Thompson Lake Shores Inc.
50 Congress Street Boston Mass.
Horace F. Tuttle, Surveyor
April 15, 1945
Scale 50 feet = 1 inch



Long Lake Development

L-6262



30
0.32 AC
195+ -

31
0.19 AC
112' 13 75'

32-4
0.19 AC
112' 75'

33
0.61 AC
171' 3 235+ -

17
0.39 AC
150' 122'

18
0.39 AC
112' 150'

19
0.33 AC
105' 121' 285'

20
0.37 AC
112' 150' 150'

21
0.19 AC
171' 75' 5 75'

22
0.19 AC
171' 75' 5 75'

23
0.19 AC
171' 75' 5 75'

24
0.19 AC
171' 75' 5 75'

25
0.26 AC
120' 121' 75' 261' 5'

90
0.23 AC
135' 278' 135'

91
0.28 AC
133.5' 135' 286 0.25 AC
109' 36'

92
0.22 AC
127' 121' 109' 36'

93
0.22 AC
75' 93' 90+ - 91' 40'

98
0.42 AC
161' 161' 42' 19'

100
0.25 AC
135' 135' 290' 26' 42' 19'

101
0.33 AC
135' 135' 296' 192' 108+ -

ROAD

STREET

OLDSMITH

EVERGREEN ROAD

LAKE

8
0.17 AC
117' 18 75'

1
0.17 AC
117' 16 75'

6
0.17 AC
112 75'

5
0.17 AC
110 75'

4
0.17 AC
8 75'

3
0.17 AC
6 75'

2
0.17 AC
A 75'

164
0.18 AC
75' 60'

166
0.14 AC
100' 60' 75'

167
0.14 AC
100' 54' 109+ -

168
0.17 AC
93' 109+ -

