



Office of the
LITTLETON BOARD OF APPEALS

Petitioner: MADAVID and GAUGARIN OLIVER

Case No: 896A

Address: 6 Gristmill Road

Date Filed: May 24, 2018

The Littleton Board of Appeals conducted a public hearing on June 21, 2018, continued to July 19, 2018, at the Shattuck Street Municipal Building, Shattuck Street, Littleton, for a Special Permit pursuant to Section 173-10B (1), or a Variance from Section 173-31, to allow change or extension of a pre-existing non-conforming structure to allow an addition at 6 Gristmill Road, Littleton, Ma, within the side yard setback. Notice of the hearing was given by publication in the Littleton Independent, a newspaper circulated in Littleton, on June 1 and June 8, 2018, and by mail to all abutters and parties in interest. Present and voting: Sherrill R. Gould, Chairman, Cheryl Hollinger, and Rod Stewart, Members and John Sewell, Marc Saucier Alternates. Present and not voting were Members, Jeff Yates and Alan Bell and Alternates, Jillian Shaw and Katherine O'Connor.

The Petitioner presented a proposal to construct an addition on the left side of the home at 6 Grist Mill Road. The Petitioner proposed an addition to replace and enclose an existing deck with a resulting sideline setback of 8.8 feet instead of the required 15 feet. The existing deck is in the setback area as is a front porch. The lot is otherwise conforming as to size and frontage.

The Building Inspector, commented that there was no record on file for the existing deck and that he would recommend treating the request as a variance. The Board concurred and requested the Petitioner to continue the hearing to present further, more detailed plans of the extent of the variance requested and the current "as built" configuration.

At the continued hearing, the Petitioner proposed to minimize the variance request by reducing the requested size of the addition. She presented evidence that due to conditions on the land, it would be difficult, if not impossible, to gain the additional living space in any other area. The property is improved with a pool and pool equipment, underground pipes, septic system and tanks, a concrete foundation wall and steps. The property has an in-law addition on the right side and was initially constructed on the left side of the lot. The property has no basement so there is limited storage and space for mechanicals. By modifying the proposed size to an addition 12' x 16', the variance requested would only impact the rear most corner of the addition by 3 feet.

No abutters appeared in opposition to the Petition.

FINDINGS: The Board found that the lot was unique in topography, shape, and location of improvements, and that the requested relief would not be substantially more detrimental to the neighborhood than the existing structure, and others like it in the neighborhood.

DECISION: The Board voted unanimously to GRANT a Variance to allow Petitioner to construct an addition to the left of the dwelling, substantially as shown in the modified plans

presented with the Petition, provided that the rear corner of the addition would not be closer to the lot line than 12 feet.

Appeals, if any, shall be made pursuant to G.L. 40A, Section 17 and shall be filed within twenty days after the date of filing of this Notice in the office of the Town Clerk.

Signed:  8/6/18

Date: August 3, 2018

Book: 322291, Page 219.

I hereby signify that twenty (20) days have elapsed since the filing of the above Decision by the Board of Appeals and that no appeal concerning said decision has been filed or that any appeal that has been filed has been dismissed or denied.

True Copy Attest: _____ Town Clerk, Littleton, Massachusetts

for June 21st hearing

TOWN OF LITTLETON
BOARD OF APPEALS

37 Shattuck Street
 P.O. Box 1305
 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

received

5/15/18

The filing is not official until stamped by the Town Clerk

Filing Fee paid: \$ 300

Check # 1886

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 Murphy
 Print Name MADAVI & GAUGARIN OLIVER
 Address 6 Grist mill Road
 Town, State, Zip Littleton MA 01460

Date: May 23 2018

Phone # 978 496 4116

Email Address madavioliver@gmail.com

Deed Reference: Bk 32291 Page 219

FEES

Residential Property \$200 filing fee + \$75 recording fee + \$25 abutter list = \$ 300 to Town of Littleton

Commercial Property \$350 filing fee + \$75 recording fee + \$25 abutter list = \$ 450.00 to Town of Littleton

Comprehensive Permit \$1000 + \$100/unit over 10 units

ADDITIONAL FEES: ALL APPLICATIONS:

Legal Notice publication fee to be paid prior to opening the hearing

ZBA Case 896 A

PROPERTY OWNER: include authorization of Owner for Petitioner to represent Owner, if unsigned

Signature Murphy Date 978 496 4116

Phone # 978 496 4116

Print Name (if different from petitioner)

Email

Address (if different from petitioner)

ASSESSOR MAP & PARCEL NUMBER U-2 Parcel 3

ZONING DISTRICT: R VC B IA IB (Circle all that apply)

Check box if AQUIFER DISTRICT
 applicable

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 § 173-10 B(1)

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 _____

Special Permit 40B

Under MGL c. 40B

See supplemental instructions: Littleton Zoning Board of Appeals Rules for the Issuance of a Comprehensive Permit under M.G.L.c40B

Madavi and Gaugarin Oliver

6 Grist Mill Road

Littleton, MA 01460

TO BOARD OF APPEALS

TOWN OF LITTLETON, MA

MAY 23, 2018

Application for Special Permit

To members of the Board of Appeals

We are applying for a special permit to convert our existing deck in to an enclosed room which we wish to use as a meditation room. Our property, as you can see had been built in the 1960, very close to the front and left of this large one acre land parcel. The dwelling is also skewed and therefore the new room will be less than 15' from the left property line. We are unable to build this room anywhere else in our property since the septic prevents extensions on the right and the back of the property.



Thank you

Madavi Oliver

978 496 4116



DEED REFERENCE: BOOK 32291, PAGE 219
PLAN REFERENCE: PLAN 448 OF 1981
ASSESSOR'S REFERENCE: MAP U-2
LONING, DIRECTOR, RESIDENTIAL

PLOT PLAN OF LAND
IN
LITTLETON, MAS

SCALE: 1 INCH = 30 FEET
DATE: APRIL 11, 2012
R. WILSON & ASSOCIATES, INC.
LAND SURVEYORS AND CIVIL ENGINEERS
676 GREAT ROAD P.O. BOX 238 LITTLETON, MA 01460
PHONE: 978-486-0203 FAX: 978-486-0844
FILE NO. 1887 DWG NO. 100749 SHEET NO. 1 OF 1

Quittclaim Deed

Wc. WILLIAM F. McHUGH and SHARON J. McHUGH, of Littleton, Middlesex County, Massachusetts in consideration of THREE HUNDRED SEVEN THOUSAND FIVE HUNDRED AND 00/100 (\$307,500.00) DOLLARS

Grant to GAUGARIN EDWIN OLIVER and MADHAVI NATHAN, husband and wife, as tenants by the entirety, of 6 Grist Mill Road, Littleton, Middlesex County, Massachusetts

With Quitclaim covenants

A certain parcel of land, with the building(s) and improvements thereon, situated on Grist Mill Road, Littleton, Middlesex County, Massachusetts, being shown as Lot 125 on a Plan entitled "Plan of Apple D'Or Farms in Littleton, Massachusetts, Owner & Subdivider: Richard C. LeCroix; Engineer & Surveyor: William J. Ford, Jr., dated March 16, 1961", and recorded with Middlesex South District Registry of Deeds, Book 9789, Page 89, and bounded and described as follows:

SOUTHERLY by Grist Mill Road, 168.00 feet;

EASTERLY by Lot 124 as shown on said Plan, 230.00 feet;

NORTHERLY by land now or formerly of Marks, and land now or formerly of Carroll, as shown on said Plan, by two courses, measuring respectively, 125.45 feet and 55.31 feet; and

WESTERLY by Lot 126 as shown on said Plan, 235.28 feet.

Containing 40,030 square feet of land, and being Lot 125 as shown on said Plan, however otherwise bounded, measured or described.

Subject to Protective Covenant Agreements, recorded with said Deeds at Book 9789, Page 89; at Book 9860, Page 112; and at Book 9873, Page 512.

Subject to and with the benefit of a grant of easement to New England Telephone & Telegraph Company, et al., recorded with said Deeds at Book 9851, Page 344.

Together with the right to use all streets and ways as shown on said plan in common with others entitled thereto, in the same manner in which streets and ways are used in the Town of Littleton.

Subject to easements, restrictions and covenants of record if they affect the locus and are in full force and effect, expressly not intending nor meaning to extend the same in the event that they have expired by operation of law or otherwise.

For title see deed of Robert W. Swisher and Jean B. Swisher to William F. McHugh and Sharon J. McHugh dated June 8, 1994, and recorded with Middlesex South District Registry of Deeds in Book 24604, Page 486.

Witness our hands and seals this 17 day of January, 2001.

William F. McHugh
William F. McHugh

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

January 17, 2001
Then personally appeared the above-named William F. McHugh and Sharon J. McHugh and acknowledged the foregoing to be their free act and deed, before me,
Sharon J. McHugh
Notary Public: *Sharon J. McHugh*
My commission expires: Feb. 16, 2001

01/29/01 3:44PM 01
000000 0402
SEE 01402-20
PAINTED
COPIES MADE
DEEDS RETAINED
RECORDED
1/29/01 3:44PM 01

6 GRIST MILL ROAD, LITTLETON, MA
PAGE 1 of 2

6 GRIST MILL ROAD, LITTLETON, MA
PAGE 1 of 2

Board of Appeals

Littleton, MA

7/19/2018

Regarding adding a meditation room, at 6 Grist Mill Road, Littleton, to the left side of the house closer to the plot line, than permitted by the zoning laws of the town of Littleton

Dear members of the board

I have taken into account the board's questions and suggestions from the meeting on June 21, 2018 and am outlining my response below

1. I am enclosing a modified plot plan which shows all the structures in the property. (Fig1 plot plan)
2. I have marked the pool, and pool equipment (labelled 1), and two septic tanks (labelled 2 and 3)
3. Between the pool and the pool equipment there are underground water filtration and other pool related pipes which prohibits me from building anything in the open space along the back wall. Additionally this is a concrete foundation wall and would need extensive breakage of this wall and a set of climbing steps to make an opening to any room I build in the area labelled 1. (i.e. between the back of the house and the pool).
4. Another point to note is that this house has no basement. The garden/sub level portion of this house is used for the heating, hot water systems, laundry and storage and cannot be used for any other purpose.
5. I have explored all other parts of this house to see if I can build this room and not found a suitable spot with easy access from the rest of the house.
6. All Indian houses have a small room set aside for their religious purposes. I have reached a point in my life where I can now afford to build this room in my house.
7. The deck area is the most suitable location for this meditation room. It leads off the kitchen and can lead out into the patio and garden.
8. I have modified the size of this room and reduced it to 12' X 16'
9. Because the property is built at an angle to the plot line and built in one corner of a huge 1 acre plot, I am grandfathered in and requesting a waiver for a wedge shaped portion which needs your approval
10. The purposed room is smaller than the current deck
11. I have enlarged the back left portion of my house, and am showing the triangular piece for which I requesting permission, (Fig2 meditation room)
12. I am requesting 3' and progressively less along the length of this room.

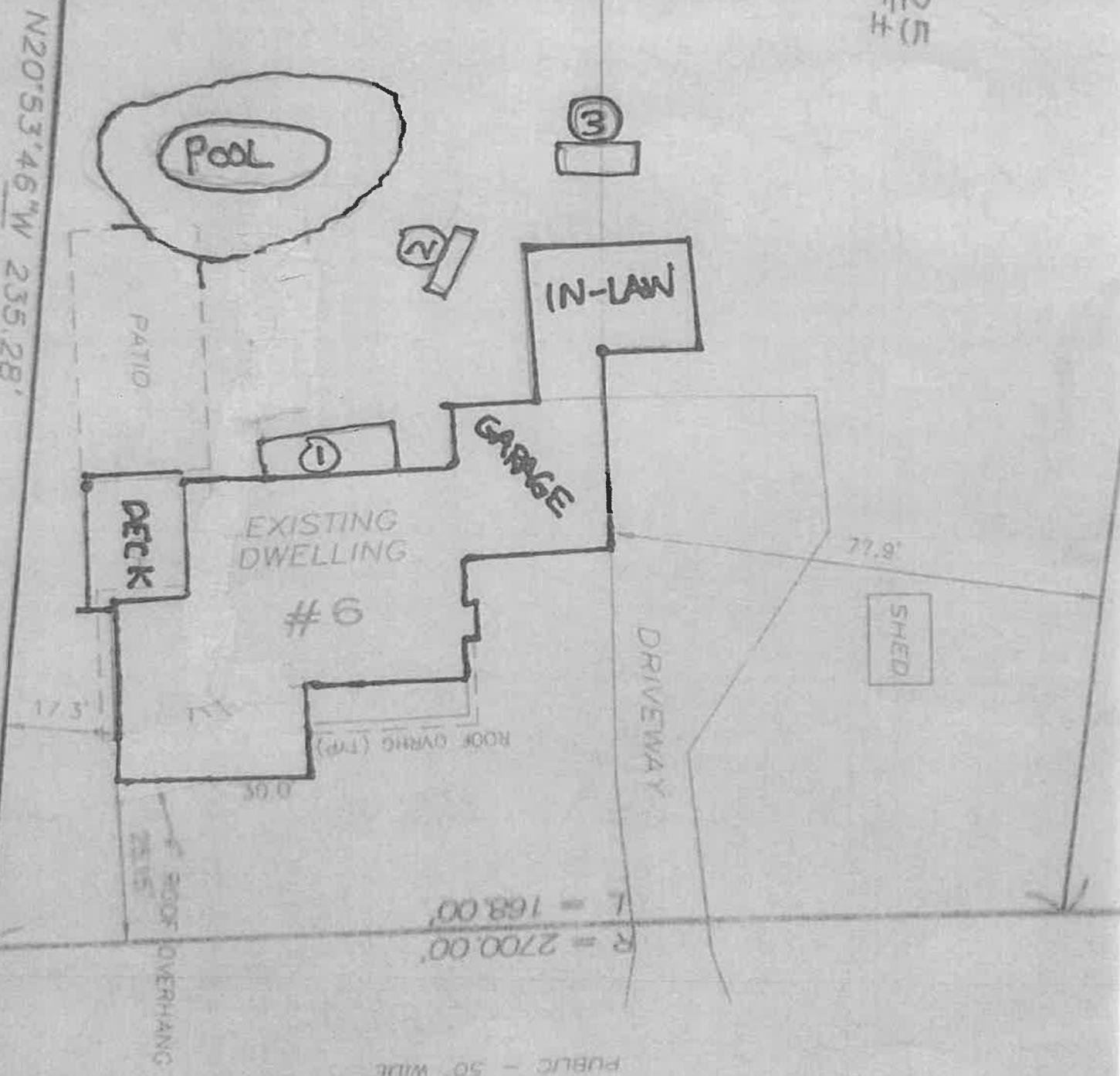
I hope you will approve this request.

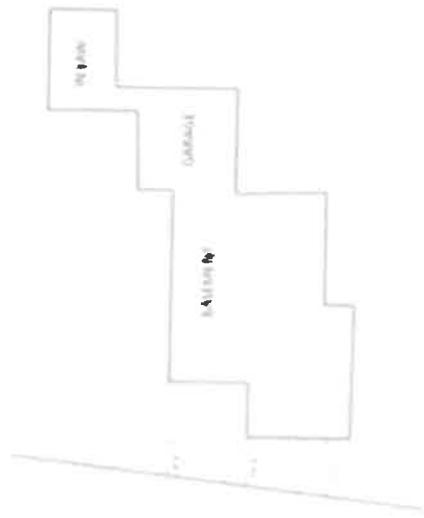
Thanks

Madavi Oliver

978 496 4116

LOT 125
40,030 SF \pm





Blue dashed line indicates current deck which is (15'7" X 17')

Yellow rectangle (12' X 16') is proposed room
Green wedge is what we are requesting
Zoning board approval.

The room will be 12' from the plot line
instead of 15'.

We are requesting 3' and less as can be seen
in the green portion