



Office of the  
LITTLETON BOARD OF APPEALS

received  
9/6/2018 10:30 AM  
Please Sign

Petitioner: William A. Gibbons  
Property Address: 27 Emerson Drive  
Case No: 899A  
Date Filed: July 9, 2018

The Littleton Board of Appeals (the "Board") conducted a public hearing on August 23, 2018 at the Fire Department Community Room, 20 Foster Street, Littleton, MA on the petition of William A Gibbons for a Variance pursuant to the Town of Littleton Zoning Bylaws Section 173-10B(2), alteration of nonconforming structures with respect to a new nonconformity. Notice of the hearing was given by publication in the Littleton Independent, a newspaper circulated in Littleton, on July 27 and August 3, 2018 and by mail to all abutters and parties in interest. Present and voting were Sherrill Gould, Chair, Jeff Yates, Vice Chair, Alan Bell, Secretary, Rod Stewart, Member and Kathleen O'Connor and Jillian Briggs Shaw Alternates .

Submitted with the application were the following materials:

- Letter dated July 9, 2018 from William A. Gibbons
- Certified Mortgage Inspection Plan by David E. Ross Assoc. Dated 10/15/1998
- Photographs of Subject Property
- Neighborhood GIS showing neighboring properties with structures closer to the street than subject property.

The petitioner presented the issue before the Board. He proposes a 9' x 35' farmers porch at the front of the existing house which is 32' from the front property line. This will be the entrance to the house and steps are required that will extend a further 7' toward the street. There is an existing landing and steps of the same extent that will be removed. Therefore, the construction will project 15' from the front of the house resulting in a setback of 17'. It was determined that the street pavement is 42' from the structure so that the proposed porch will allow required parking. The house is presently conforming as to setbacks but on a non-conforming lot of 13,120 sq. ft. The Assistant Zoning Officer, Michelle Cobleigh, determined a variance was required from Section 173-10B(2).

The location of the porch was precluded at the rear from the existence of a septic mound and related construction within 8' of the structure. There is presently no access from the house to this back portion of the property.

No Abutters were present.

FINDINGS: The Board made the following findings:

1. A hardship exists due to the soil conditions requiring a septic system location precluding the construction of a deck at the rear of the house.
2. The site is appropriate and no significant nuisance, hazard or congestion will be created and that there will be no substantial harm to the neighborhood or derogation from the intent of the bylaw.

DECISION: The Board voted unanimously to GRANT under Section 173-10B(2) of the Town of Littleton Zoning Bylaws, a Variance to allow construction as described to extend no further in the front setback than 16' from the front property line and that this porch will not be converted to 4 season use.

Appeals, if any, shall be made pursuant to M.G.L. C. 40A, Section 17 and shall be filed within twenty (20) days after the date of filing of this Decision in the office of the Town Clerk.

The Variance shall not take effect until a copy of the Decision bearing the certificate of the Town Clerk is recorded with the Middlesex District Registry of Deeds in accordance with the provisions of M.G.L. C. 40A, Section 11 and 15 stating that twenty (20) days have elapsed after the Decision has been filed in the office of the Town Clerk and no appeal has been filed, or if such appeal has been filed it has been dismissed or denied.

If the rights authorized by this Variance are not exercised within one (1) year from the date of granting it shall elapse in accordance with the provisions of M.G.L. C. 40A Section 10.

Signed:  Alan Bell, Clerk

Date: 9/6/18

Book: 27708, Page: 511

---

I hereby certify 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: \_\_\_\_\_ *Print name* \_\_\_\_\_  
Town Clerk, Littleton, Massachusetts

Date: \_\_\_\_\_

**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

The filing is not official until stamped by the Town Clerk

Filing Fee paid: \$ \_\_\_\_\_ Check # \_\_\_\_\_

*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.*

*Book 27708 P 511*

*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** *William A. Gibbons*

**Print Name** *WILLIAM A. GIBBONS*

**Address** *27 EMERSON DR.*

**Town, State, Zip** *LITTLETON MA 01460*

**Date:** *7-9-18*

**Phone #** *(617) 872-8819*

**Email Address** *gibb9@b9.rr.com*

**Deed Reference: Bk \_\_\_\_\_ Page \_\_\_\_\_**

**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

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

*William A. Gibbons 7-9-18*

**Signature**

**Date**

*(617) 872 8819*

**Phone #**

*gibb9@b9.rr.com*

**Email**

**Print Name (if different from petitioner)**

**Address (if different from petitioner)**

**ASSESSOR MAP & PARCEL NUMBER** *U17 33*

**ZONING DISTRICT: R 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 \_\_\_\_\_

# 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

# 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?

*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.*

Willie C. Shile

Signature

WILLIAM A. GIBBONS

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. Apply for a certified abutters list with the Assessors office (request for certified list of abutters form enclosed)

3. 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 4 copies 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:
  - A) metes 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

William A. Gibbons  
27 Emerson Dr. Littleton, MA 01460  
(617) 872-8819 [gibb9@bu.edu](mailto:gibb9@bu.edu)

July 9, 2018

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

Dear Zoning Board of Appeals,

I'm writing to request the Zoning Board of Appeals (ZBA) review my request to reduce the required frontage setback for my home located at 27 Emerson Drive to less than the required 30' from Emerson Dr. for the construction of a covered front porch on my home.

I have been a resident of Littleton since 1978. I have owned my home since 1994, which was originally a cottage style home, similar to many of the homes in the long lake neighborhood. I built the current home in 1998, replacing an outdated inefficient house with a new modern home, in which I and my wife continue raising our children. My lot is just over 13k square feet.

My homes foundation is 46' from the Emerson Dr. curb. Owing to circumstances related to historically poor soil conditions, the small size of my lot (13,120 Sq. ft.), and the challenging topography, creates limited options. I am requesting the ZBA approve a reduced frontage setback for my home to 16' for the construction of front covered porch. This request is a reasonable accommodation that will provide an improved condition for my home and beautification to the neighborhood. The covered porch will not only make the home more aesthetically pleasing, but will make exiting and entering my home safer by keeping the landing immediately outside of the door free from snow and ice in the winter. As you can see from the pictures provided, due to the topography of the lot, there are quite a few stairs leading from the door to the ground and having an uncovered landing is and will become a greater hardship as my wife and I age.

Considering the limitations outlined above and the similar nature of such requests which have been previously approved throughout the Long Lake area, due to the limited size lots, I respectfully request the ZBA approve my request for variance. Thank you for your time and consideration to this request.

Sincerely,



William A. Gibbons

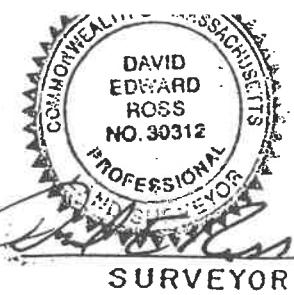
This plan is not to be used for the establishment of property lines, erection of fences, landscaping or construction of additional structures.

# Certified Inspection Plan

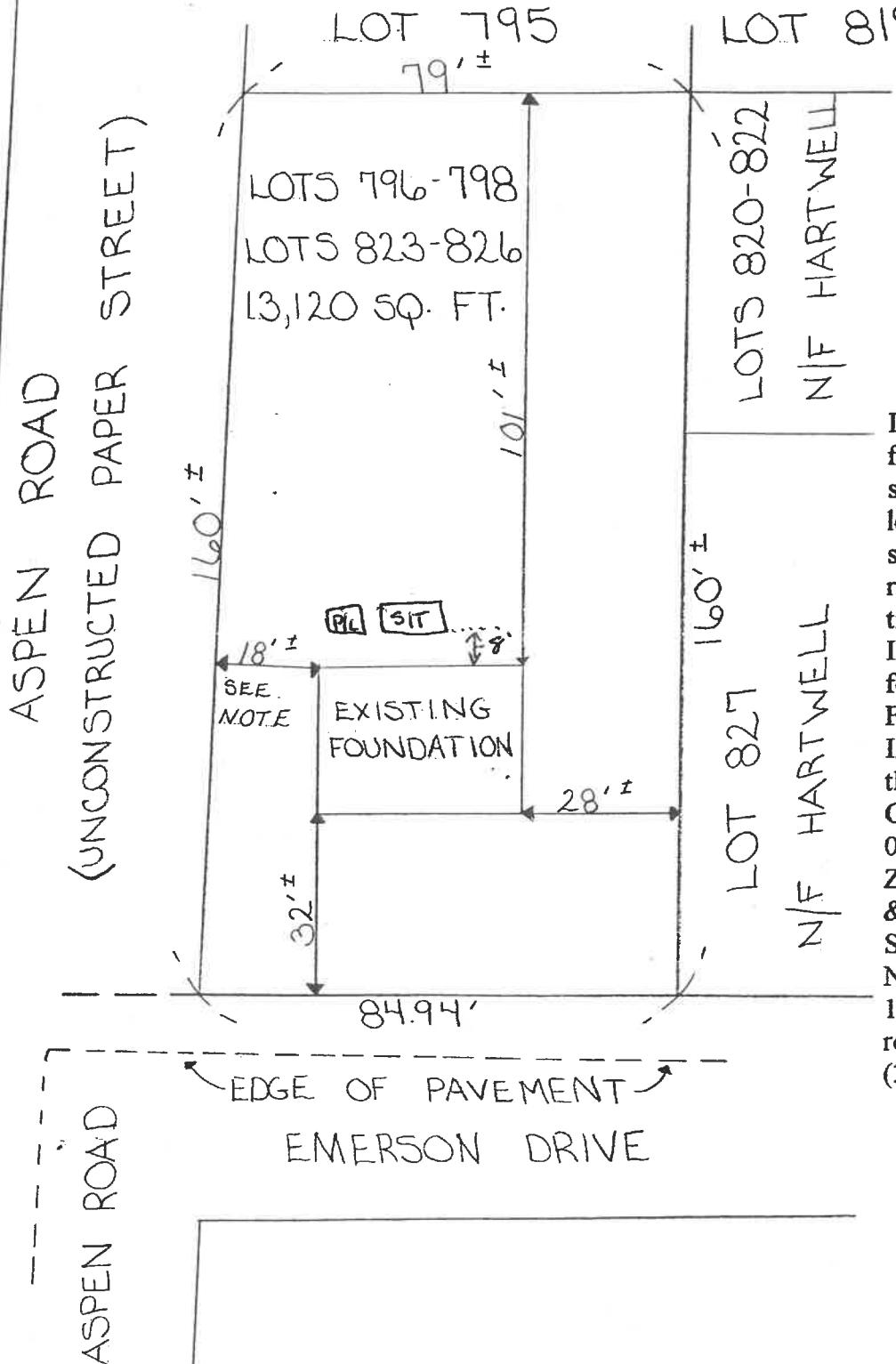
27 EMERSON DR. LITTLETON, MA  
STREET TOWN

David E. Ross Associates, Inc.

111 FITCHBURG ROAD - P.O. BOX 368 - AYER, MASS. 01432  
(978) 772-6232 368-1065 448-3916 FAX 772-6258



DATE: 10/15/98



I certify that the existing foundation is located on the lot shown on this plan and that its location conforms with the front, side and rear yard setback requirements in effect at this time. (See note)

I further certify that the foundation is not located within a Federal Flood Zone per Flood Insurance Rate Map (FIRM) for the Town of Littleton, Community Panel No. 250200 0004 B dated June 15, 1983. Zoning District: Residential Side & rear setbacks: 15' required Street setback: 30'

Note: Per zoning code section 173-31-(8) street setback can be reduced to 16.56'  
$$(30' - 40,000 - 13,120 = 16.56')$$
  
2,000

ERENCES: NB 198-20; NB 292-120; JOB NO. 8706

PLAN NO. 5-5207A

**Photos of 27 Emerson Dr.**



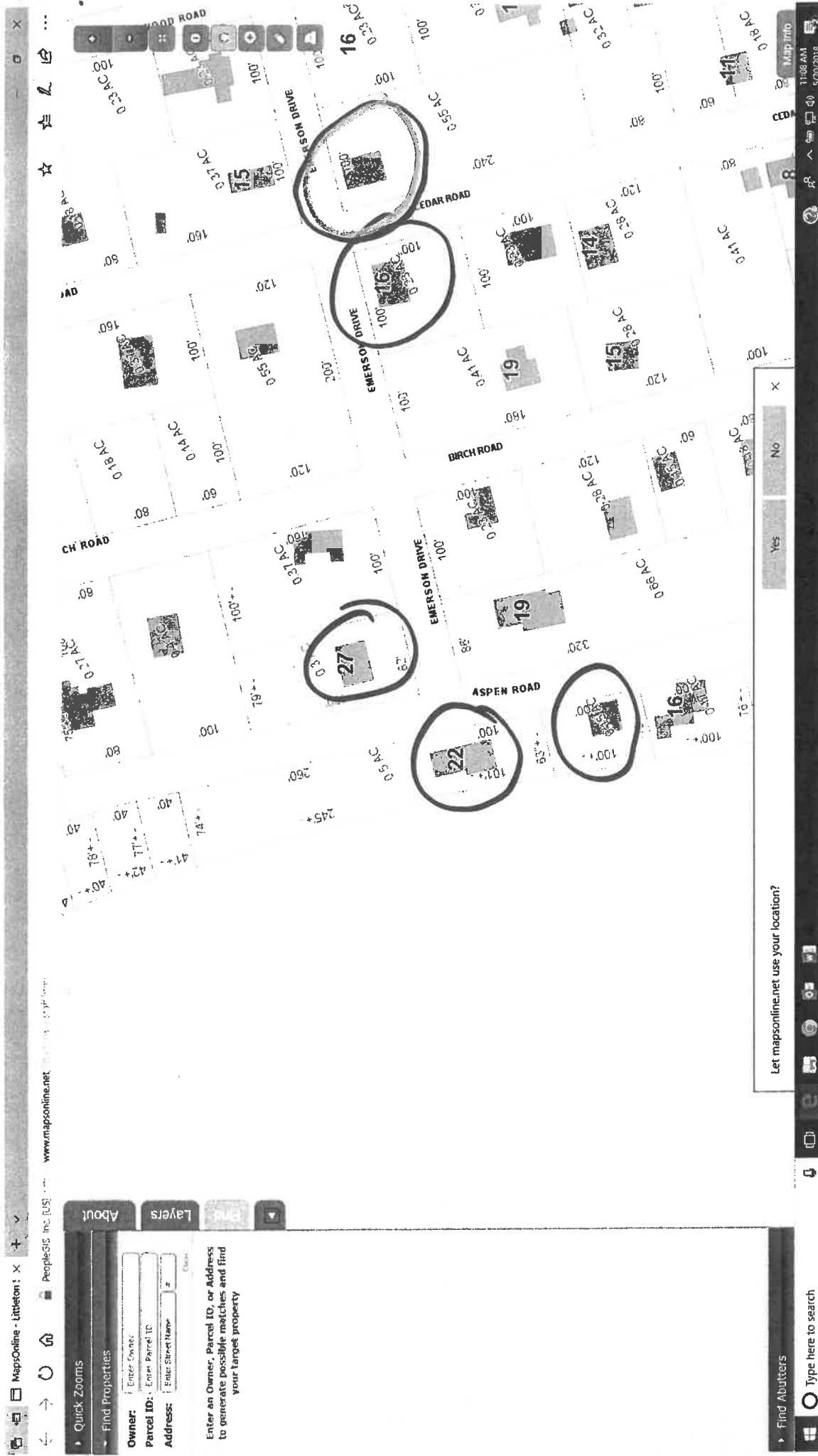
Photos of Homes in the Long Lake Area  
with reduced frontage set back

27 Birch Dr.



22 Aspen Rd (next to my home)





Shelly  
Roland  
Sue? Raynor L