


received  
11/21/17 for 1069mm

11-15 Taylor St. ZBA Case No.: 890A

**TOWN OF LITTLETON**  
**BOARD OF APPEALS**  
 37 Shellock 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

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**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, §87 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 *Paula* Date: 11/20/17  
 Diane C Skinner Trust Phone # 860-281-1483  
 PO Box 21 Email Address manager@mulberryfund.com  
 Address East Windsor Hill CT 06028  
 Town, State, Zip Deed Reference: Bk 89289 Page 96

**PROPERTY OWNER:** Include authorization of Owner for Petitioner to represent Owner, if unsigned  
 Diane C Skinner Trust Date \_\_\_\_\_  
 Signature Phone # 860-281-1483  
 Print Name (if different from petitioner) manager@mulberryfund.com  
 Address (if different from petitioner) \_\_\_\_\_

**ASSESSOR MAP & PARCEL NUMBER** U41 41  
**ZONING DISTRICT:** R VC XXX IA IB (Circle all that apply)  
 AQUIFER DISTRICT  
 WATER RESOURCE DISTRICT  
 Check box if applicable

### 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 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. 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 on the 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 liberal 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.

## 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?

*Necessity: Attach copies of written order or decision when appeal.*

Administrative Official \_\_\_\_\_

Date of order / decision \_\_\_\_\_

2. Which statute or Zoning Bylaw do you rely for your appeal?

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. 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? 173-26

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 plat 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 \_\_\_\_\_

Trustee \_\_\_\_\_

Nathan Skinner Trustee

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 14 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

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Deed Page 1

Blk: 69289 Pg: 96

QUITCLAIM DEED

L Hugh W. Ernisse, being unmarried, of Littleton, MA, for consideration paid, and in full consideration of Two Hundred Thirty One Thousand DOLLARS (\$231,000.00) DOLLARS, grant to Nathan C. Skinner, Trustee of the Diane C. Skinner Trust Dated July 12, 1995, under Declaration of Trust recorded in the Suffolk County Registry of Deeds in Book 21819, Page 247,

with QUITCLAIM COVENANTS:

The land with the buildings thereon located in Littleton, Middlesex County, Massachusetts, known and numbered 11-15 Taylor Street, Littleton, Massachusetts, as more particularly described and bounded as follows:

The land in the westerly part of Littleton, Massachusetts, with the buildings thereon, bounded and described as follows:

BEGINNING at the southeasterly corner of the premises at a stone bound on the south side of the road, leading from Littleton Depot to Boxborough, and at corner of land now or formerly of Hugh McDonald;

THENCE, northwesterly by the south side of said road one hundred thirty-three (133) feet to a stone bound at land formerly of George W. Sanderson;

THENCE, turning southwesterly and making an angle of 81° with the last described line three hundred thirty-six and 3/10 (336.3) feet, to a stone bound;

THENCE, turning southeasterly and making an angle of 99°, eighty and 4/10 feet (80.4) on land now or formerly of George W. Sanderson to a stone bound;

THENCE, turning and running northeasterly by land now or formerly of said Hugh McDonald, three hundred thirty-two and 2/10 (332.2) feet, to the stone bound at the point of beginning.

The above described premises contains 1 acre, more or less, and this conveyance is subject to restrictions of record if the same are now applicable and in force.

Being the same premises conveyed by deed dated November 23, 2007 recorded in the Middlesex South District Registry of Deeds in Book 50397, Page 84.

Property address: 11-15 Taylor Street, Littleton, Massachusetts

Deed Page 2

Grantor states under the pains and penalties of perjury that no other person is entitled to claim the benefit of an existing estate of homestead in the premises, and hereby releases and discharges any and all estates of homestead in and to the property conveyed herein, whether created automatically pursuant to Massachusetts law or by declaration.

Witness my hand and seal this 15<sup>th</sup> day of May 2017

*Hugh W. Ernise*  
Hugh W. Ernise

COMMONWEALTH OF MASSACHUSETTS

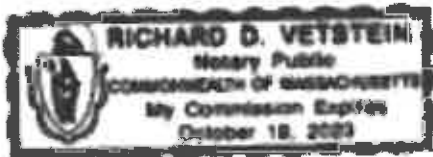
*Norfolk* ss.

*May 15*, 2017

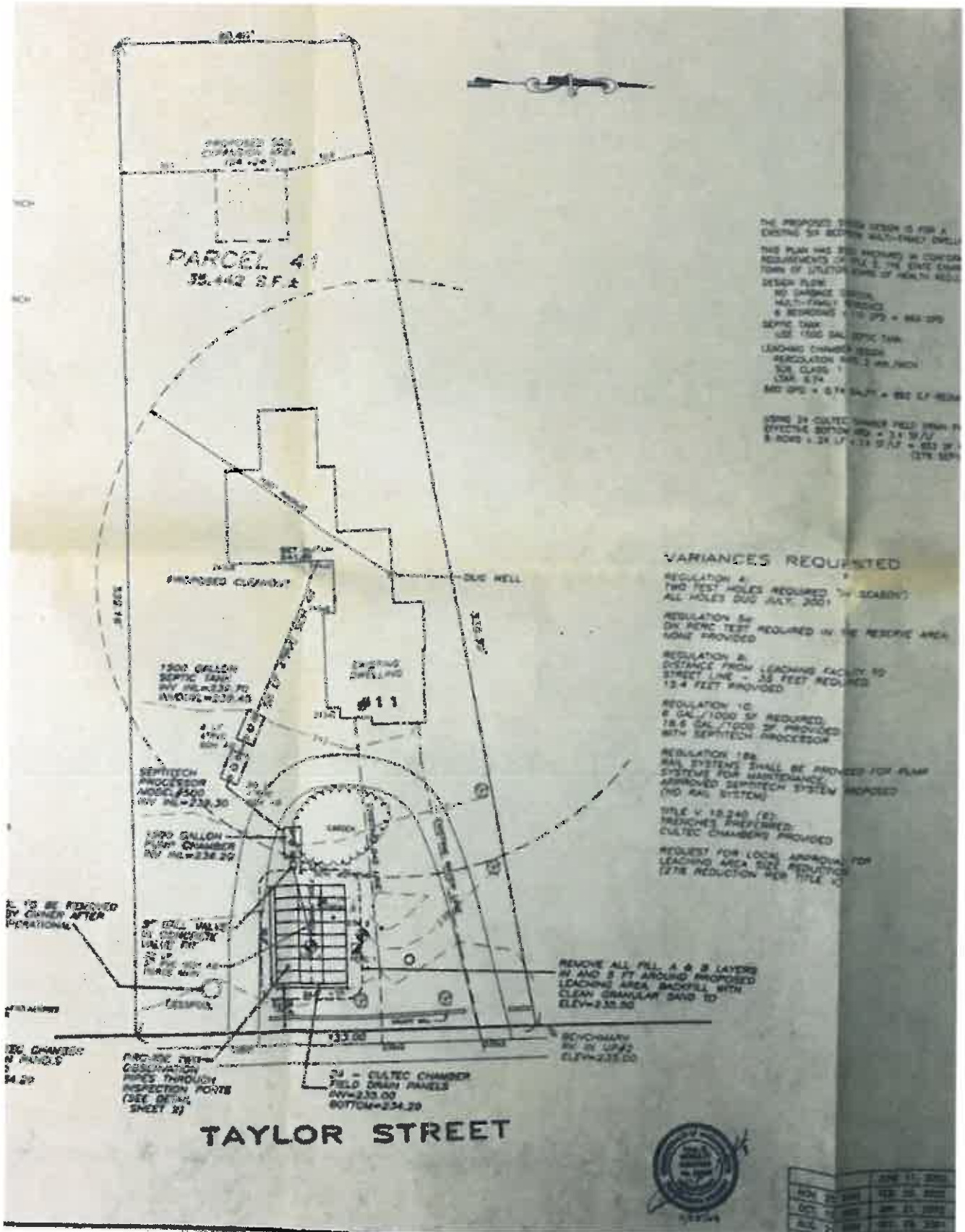
On this 15<sup>th</sup> day of May, 2017 before me, the undersigned notary public, personally appeared **Hugh W. Ernise**, provided to me through satisfactory evidence of identification, which was state issued driver's license to be the persons whose name is signed on the preceding or attached document, and acknowledged to me that he or she signed it voluntarily for its stated purpose.

(Seal)

*[Signature]*  
\_\_\_\_\_  
Notary Public  
My Commission Expires:



Source: Town Records



11 - 15 Taylor Street, Littleton MA

If petitioner is not the owner, furnish written authorization.

See attached "Certificate of Trustee"

11 - 15 Taylor Street, Littleton MA

Diane C Skinner Trust

PO Box 21 East Windsor Hill CT 06028

860-281-1493

manager@mulberryfund.com

November 19, 2017

Narrative to Accompany an  
Application for Zoning Variance  
11-15 Taylor Street  
Littleton MA 01460  
Littleton Zoning Board of Appeals

Written Statement of Nathan Skinner  
In Support of Request for Variance

To the Members of the Board,

11-15 Taylor Street is a home in need of a better purpose. It is essentially functionally obsolete in size, utilities, design, and fire safety. Decades of neglect and abuse by the owner and occupants leave a vacant structure in need of substantial attention.

The proposal is to renovate and convert the pre-existing 2 family lodging house into four rental units with no additional changes to the footprint.

As new owners, we promote quality restoration consistent with Littleton's sense of history, human scale and pedestrian-oriented village character. Renovation of 11 -15 Taylor Street will honor the town's history not replace it.

The site lies in a Business (B) District and consists of a three story wood frame Second Empire style home estimated to have been constructed in the 1870s. The total footprint of the home is approximately 1,334 square feet. The home consists of many original architectural features and is situated on .82 acres (35,442 square feet) between the post office and a multi-family/Commercial property. The commuter rail is across the street.

The site has 130 +/- feet of frontage on Taylor Street.

The Board of Health approved the premises for six bedrooms.

No change is required nor proposed to the existing on site septic system.

## 11 - 15 Taylor Street, Littleton MA

This proposal will provide the following benefits:

1. Renovate and maintain the village curb appeal of an old functionally obsolete residential structure.
2. Bring the structure into compliance with the building code.
3. Increase tax revenue for Littleton.
4. Add additional rental housing stock of Littleton.
5. Reduce 9 bedrooms to 6 bedrooms.
6. The conversion will prevent continued use as a lodging house because the renovation of two units produces two very large units. One unit would contain 8 rooms with the likelihood of 6 being used as bedrooms. This may result in renting to an individual or group that is inclined to return to multiple unrelated occupants. This is not our goal. Specifically, our goal is to rent to financially stable and responsible individuals.

The cost of all new electric, plumbing, firewalls, sprinkler systems, fire protection, HVAC requirements, and numerous other zoning regulations are more manageable when allocated over four units. The cost/benefit to renovate two units creates a hardship.

We, respectfully, submit that granting this variance will not adversely affect the business district. There will be no apparent change in the residential nature of the property. In fact nothing changes. The exterior of the structure will remain essentially the same.

We did not cause the loss of the economic viability of this property.

For decades the property has been used as a lodging house, which is permitted by zoning, but not necessarily to the benefit of the town. By formalizing the structure into four appropriately sized units the town will benefit from increased tax rolls and we can support an increased long-term investment.

Adherence of the 2 unit limit continues a hardship on both the current owner and the town. Since construction of the premises, estimated to be in the 1870's, the town has adopted substantial regulation and building codes that if brought current would cost more than the current value of homes in the area.

The current rental market does not support oversized residential units with outdated utilities and building code violations. The fate/failure of this property as a single family



11 - 15 Taylor Street, Littleton MA

or 2 family may be systemic. The property is not economically viable as a 2 family. A literal enforcement of the bylaws would result in a substantial hardship on us.

The town has already experienced hardship directly related to this property. As a pre-existing 2 family lodging house, an approved use, the town has spent tens of thousands of resident tax payer dollars on litigation, public hearings, housing court hearings, police incidents, and fire department incidents over the decades. It is the current owners goal to end this disharmony and return the premises to one the residents of the town can be proud of.

Granting the variance does not create substantial detriment to the public good and does not derogate from the intent of this chapter. Conversely, the granting of this request for variance substantially improves the public good AND is in support of the intent of this chapter. Granting of this request for variance improves the housing stock and tax roles of our community.

With substantial improvements to the structure, curb appeal and apartment features our tenants will feel proud to live Littleton and in this Second Empire 1870s home.

Thank you for assistance in this matter.

Sincerely,

Nathan Skinner, Trustee



Pre-existing 2 Family lodging house for unrelated transient individuals in Business District.

Proposed - Formal 4 Family Residential without increase in approved bedrooms. No exterior size modifications.

SQUARE FOOTAGE				6-30-2017
	1ST FLR	2ND FLR	3RD FLR	TOTAL
A/C	1334	1334	817	3485
PORCH	225	0	0	225
TOTAL	1559	1334	817	3710

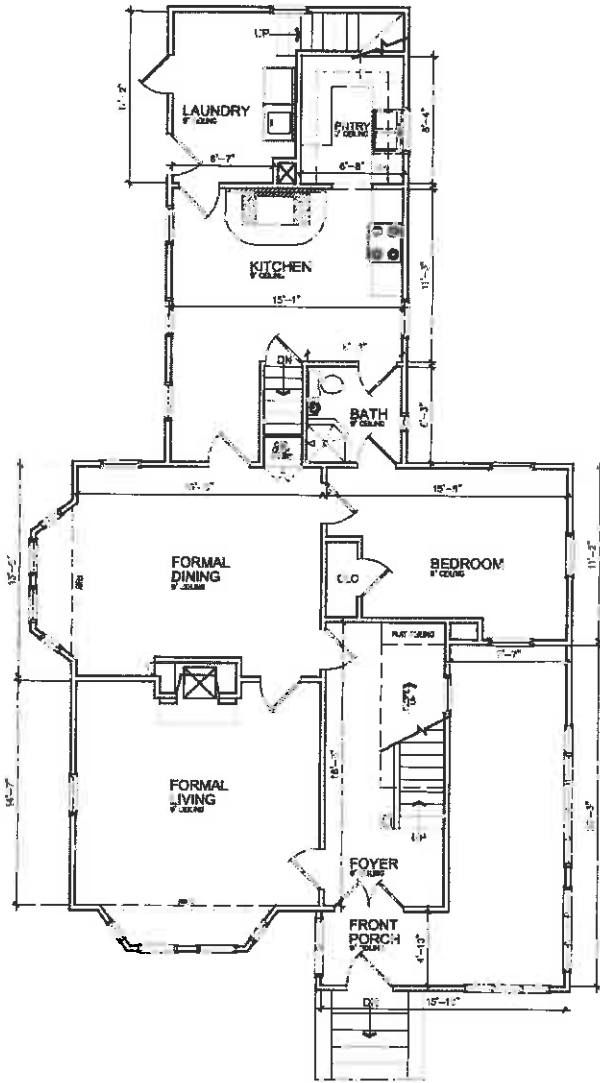
11 - 15 Taylor Street, Littleton MA



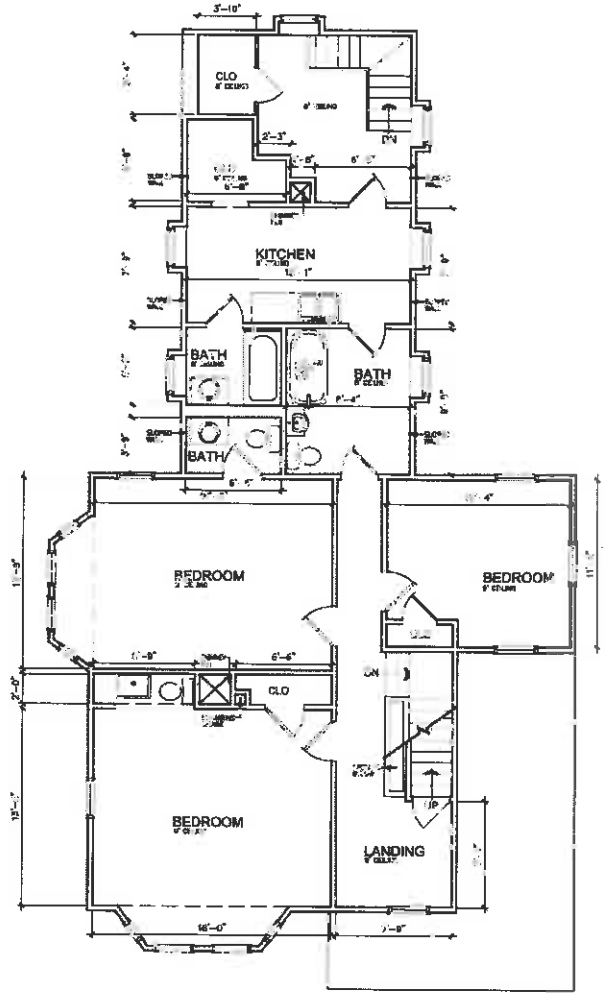
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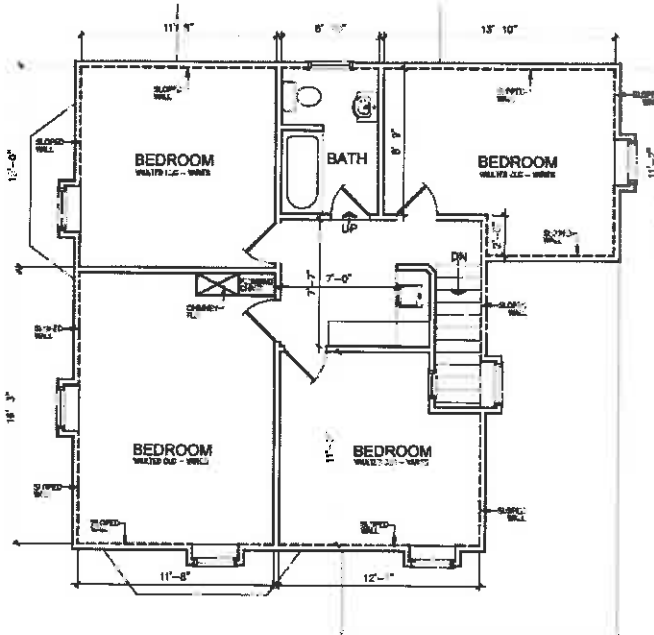
11 - 15 Taylor Street, Littleton MA



EXISTING FIRST FLOOR PLAN  
1/4"=1'-0"



EXISTING SECOND FLOOR PLAN  
1/4"=1'-0"



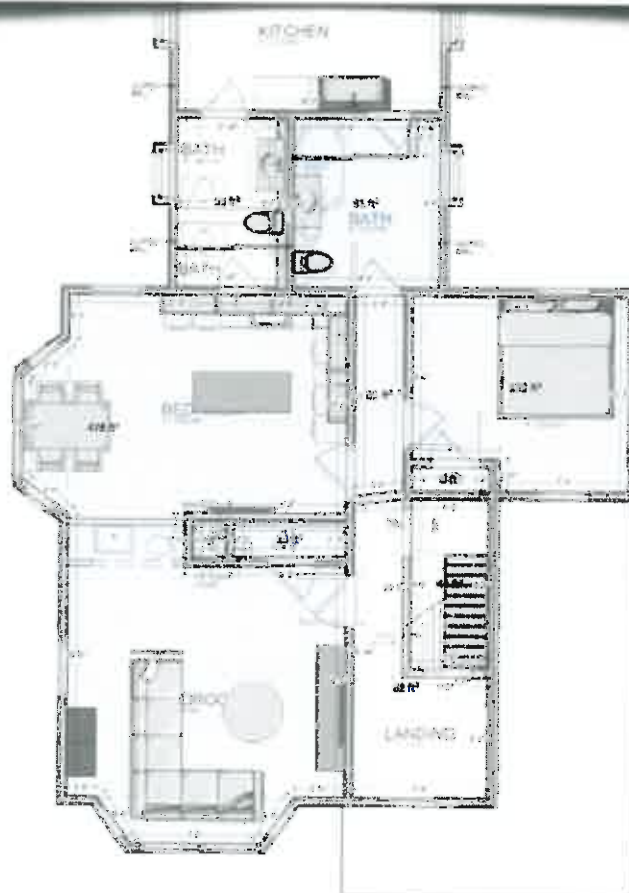
EXISTING THIRD FLOOR PLAN  
1/4"=1'-0"

# Proposed: Ground Floor Unit 1 Two Bed - One Bath



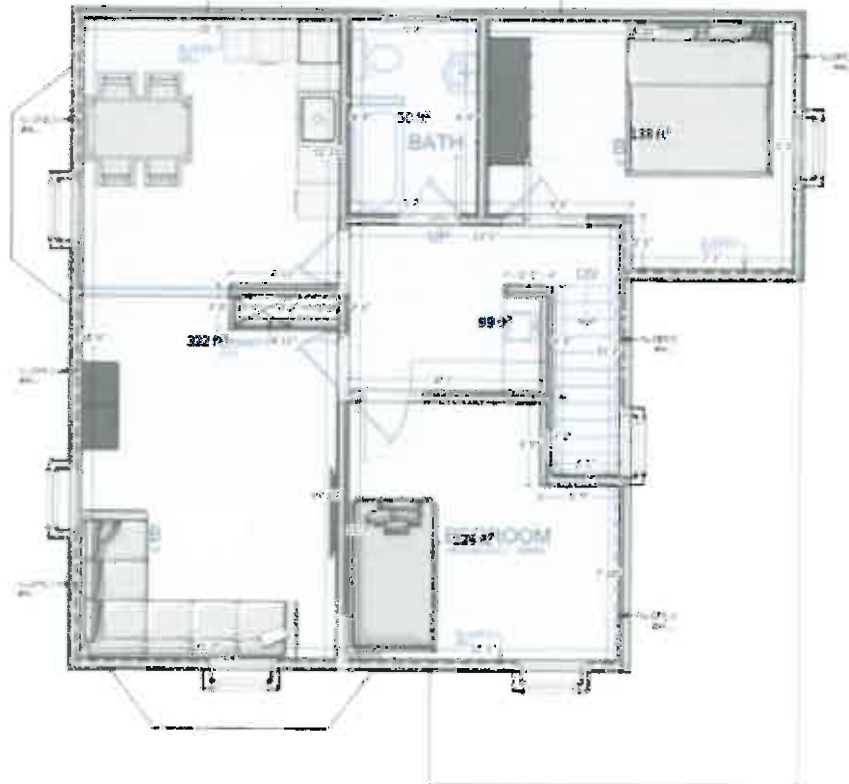
11 - 15 Taylor Street, Littleton MA

# Proposed: Second Level Unit 2 One Bed - One Bath



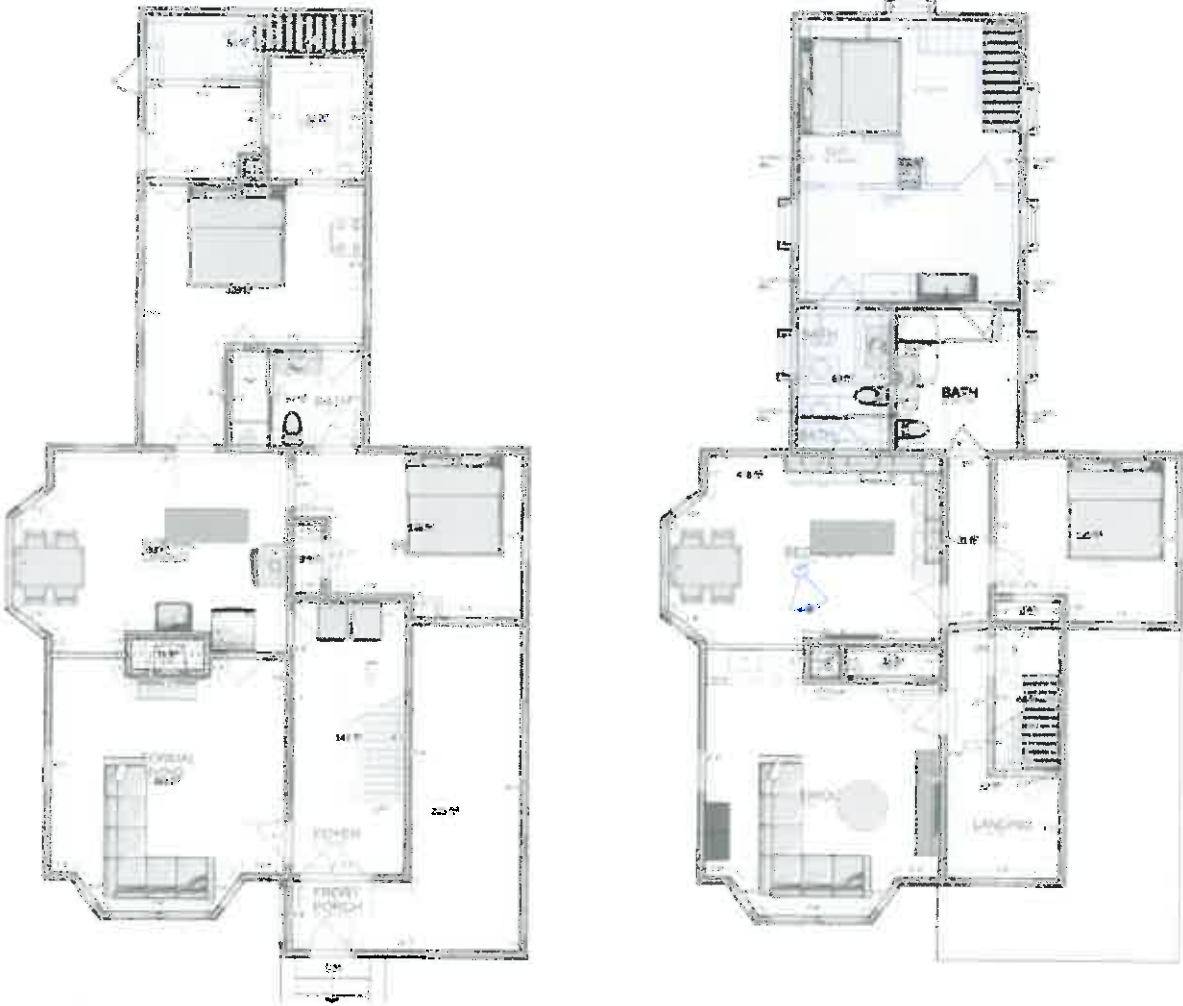
11 - 15 Taylor Street, Littleton MA

# Proposed: Third Level Unit 3 Two Bed - One Bath





# Proposed: Ground Level Rear Entrance w/ Second Floor Living Area Unit 4 Studio/One Bed - One bath



# Proposed: Common Area Hallway/Stairwell - Laundry - Porch

