

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
1/11/2017 11:10AM*

The filing is not official until stamped by the Town Clerk

Filing Fee paid: \$ 300 (200+75+25) Check # 3276 12/19/16

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.

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 Mark A
Print Name U + M Realty Trust
Address 442 King St.
Town, State, Zip Littleton MA 01460

Date: 1/5/17

Phone # 978-337-6375

Email Address mfc@ownnewengland.com

Deed Reference: Bk 68106 Page 575

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

Signature _____ Date _____

Phone # _____

Print Name (if different from petitioner) _____

Email _____

Address (if different from petitioner) _____

ASSESSOR MAP & PARCEL NUMBER U12 123,124,126

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

Check box if AQUIFER DISTRICT
applicable

WATER RESOURCE DISTRICT

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

Parcel # 123,124,126 Oak Road ZBA Case # 882A

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? _____

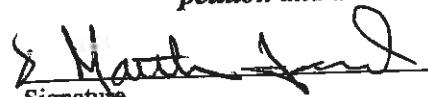
2. Why are you seeking relief from a literal enforcement of this Zoning Bylaw?

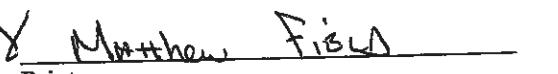
Attach a written statement that specifically describes existing conditions and your objectives, along with plans, specifications, certified plot plan and any documentation necessary to support your request.

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.





Print name



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

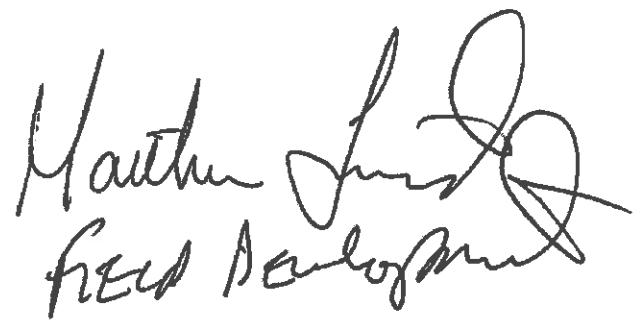
Request for a variance Parcel 123, 124, 126 Oak Road

A petition was filed in February 2016 requesting a variance for a retaining wall for construction of a two bedroom dwelling on parcels 123 and 124 Oak Road, based on the abutters concerns about the height of the retaining wall and the small lot size, the petition was withdrawn as we continued to try to purchase some of the vacant abutting lots which would allow for a better layout of the house and system.

The lot to the right parcel 126 Oak Road is under purchase and sale agreement, the septic plan has been redesigned with the house now located to the right side of the lot.

The lot is nonconforming for lot size 40,000 s.f. required, 16,000 s.f provided. With the addition of parcel 126 (6,000 s.f.) the lot is now conforming for frontage.

The variance request is for rear setback 10 ft required, 1 ft provided for the retaining wall for the septic system. The wall for the alternative system which will be installed ranges in height from 2 ft on the left up to 4 ft at one point in the rear then back down to 3.33 ft as shown on the plan labeled "alternative system". The Board of Health regulations require that it be proven that a conventional system (including reserve area) must be able to be installed on the lot, the conventional system would also require a retaining wall which would be higher 3.5 ft on the left up to 5.54 ft in the rear and back down to 4.1 ft on the right side as shown on the plan labeled "conventional system".



Matthew J. S. Field Development

Middlesex South Registry of Deeds

Electronically Recorded Document

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

Recording Information

Document Number : 171863
Document Type : DEED
Recorded Date : September 28, 2016
Recorded Time : 03:30:54 PM

Recorded Book and Page : 68106 / 575
Number of Pages(including cover sheet) : 4
Receipt Number : 1998448
Recording Fee (including excise) : \$325.64

MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001
Date: 09/28/2016 03:30 PM
Ctrl# 251218 26637 Doc# 00171863
Fee: \$200.64 Cons: \$44.000.00

Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.middlesexsouthregistry.com

QUITCLAIM DEED

I, **PAUL HEALEY**, a/k/a **PAUL F. HEALEY**, being married, of Belmont, Middlesex County, Massachusetts,

for consideration paid and in full consideration of **FORTY-FOUR THOUSAND AND 00/100 (\$44,000.00) DOLLARS**

grant to **MATTBOB, INC.**, a Massachusetts Corporation, with a principal office located at 442 King Street, Littleton, Middlesex County, Massachusetts,

with Quitclaim Covenants

Parcel 1 – Lot Nos. 2376 and 2377

That certain parcel of vacant land in Littleton, Massachusetts, situated on Oak Road and consisting of approximately 4,000 square feet of land and shown as Lot 123 on Assessor's Map U12 (the "Property"). The land being Lots No. 2376 and 2377 shown on a plan of Warren Smadbeck, recorded with Middlesex County, South District, Registry of Deeds, in Book of Plans No. 362, Plan No. 26.

Being the same premises conveyed to Grantor by Deed dated October 24, 2014, and recorded with the Middlesex South District Registry of Deeds in Book 64462, Page 554.

Parcel 2 – Lot No. 2378

The land being Lot No. 2378 on the northerly side of Oak Road, Littleton as shown on Map A of the Long Lake Area. Shown on a plan of Warren Smadbeck, recorded with Middlesex County, South District, Registry of Deeds, in Book of Plans No. 362, Plan No. 26. It is approximately 1/20 of an acre in size.

Being the same premises conveyed to Grantor by Deed dated June 27, 2006 and recorded with the Middlesex South District Registry of Deeds in Book 47748, Page 205.

Parcel 3 – Lot No. 2379

Land being Lot No. 2379 on a plan of Warren Smadbeck, recorded with Middlesex County, South District, Registry of Deeds, in Book of Plans No. 362, Plan No. 26. Supposed to contain about 1/20 acre.

Being the same premises conveyed to Grantor by Deed dated March 19, 2007 and recorded with the Middlesex South District Registry of Deeds in Book 49165, Page 298.

Parcel 4 – Lot No. 2380

Land being Lot No. 2380 on a plan of Warren Smadbeck, recorded with Middlesex County, South District, Registry of Deeds, in Book of Plans No. 362, Plan No. 26. Supposed to contain about 1/20 acre.

Being the same premises conveyed to Grantor by Deed dated March 19, 2007 and recorded with the Middlesex South District Registry of Deeds in Book 49165, Page 297.

This is undeveloped land and not homestead property of the Grantor, and therefore no one is entitled to a homestead exemption on this property.

Executed as a sealed instrument this 27th day of September, 2016.

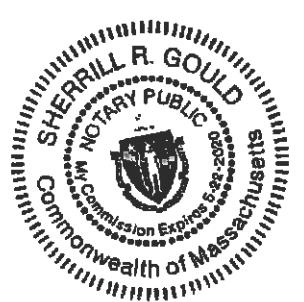
Paul Healey AKA Paul F. Healey
PAUL HEALEY, a/k/a
PAUL F. HEALEY

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

September 27, 2016

On this day, before me, the undersigned Notary Public, personally appeared the above-named PAUL HEALEY, a/k/a PAUL F. HEALEY, who proved to me through satisfactory evidence of identification, which was the presentation of a driver's license, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.



Sherrill R. Gould
Notary Public: Sherrill R. Gould
My Commission Expires: 05/22/20



MA Pictures
MA Fire Station
MA Police Station
MA Town Hall
MA Public Library
MA School
MA Parcels (Level II)
MA Highway
MA Numbered Routes
MA Town Boundary
MA Building
MA Street
MA Building



