

## 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 Enforcing 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 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-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 literal 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.**

**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*  
*ff 2/16/16 10:05am*

The filing is not official until stamped by the Town Clerk

Filing Fee paid: \$ 260 + 75 Check # 2743

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 Matt/ Bob Inc. Date: 978-337-6375  
Print Name 442 King street Phone # mfried@aunraengland.com  
Address Littleton MA 01460 Email Address  
Town, State, Zip Deed Reference: Bk \_\_\_\_\_ Page \_\_\_\_\_

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

Signature Paul Healy Date \_\_\_\_\_ Phone # \_\_\_\_\_  
Print Name (if different from petitioner) \_\_\_\_\_ Email \_\_\_\_\_  
Address (if different from petitioner) \_\_\_\_\_

ASSESSOR MAP & PARCEL NUMBER U12, 123, 124

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

Check box if applicable

- ☐ AQUIFER DISTRICT  
☐ WATER RESOURCE DISTRICT

**FILING FEES**  
Residential Property \$200 to Town of Littleton  
Commercial Property \$350 to Town of Littleton  
Comprehensive Permit \$1000 + \$100/unit over 10 units

**ADDITIONAL FEES (all applications)**  
\$75 to Comm of Mass-recording fee  
\$25 to Town of Littleton-abutter list  
Legal Notice publication fee due prior to opening hearing

## 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? 173-31

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.

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. 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.

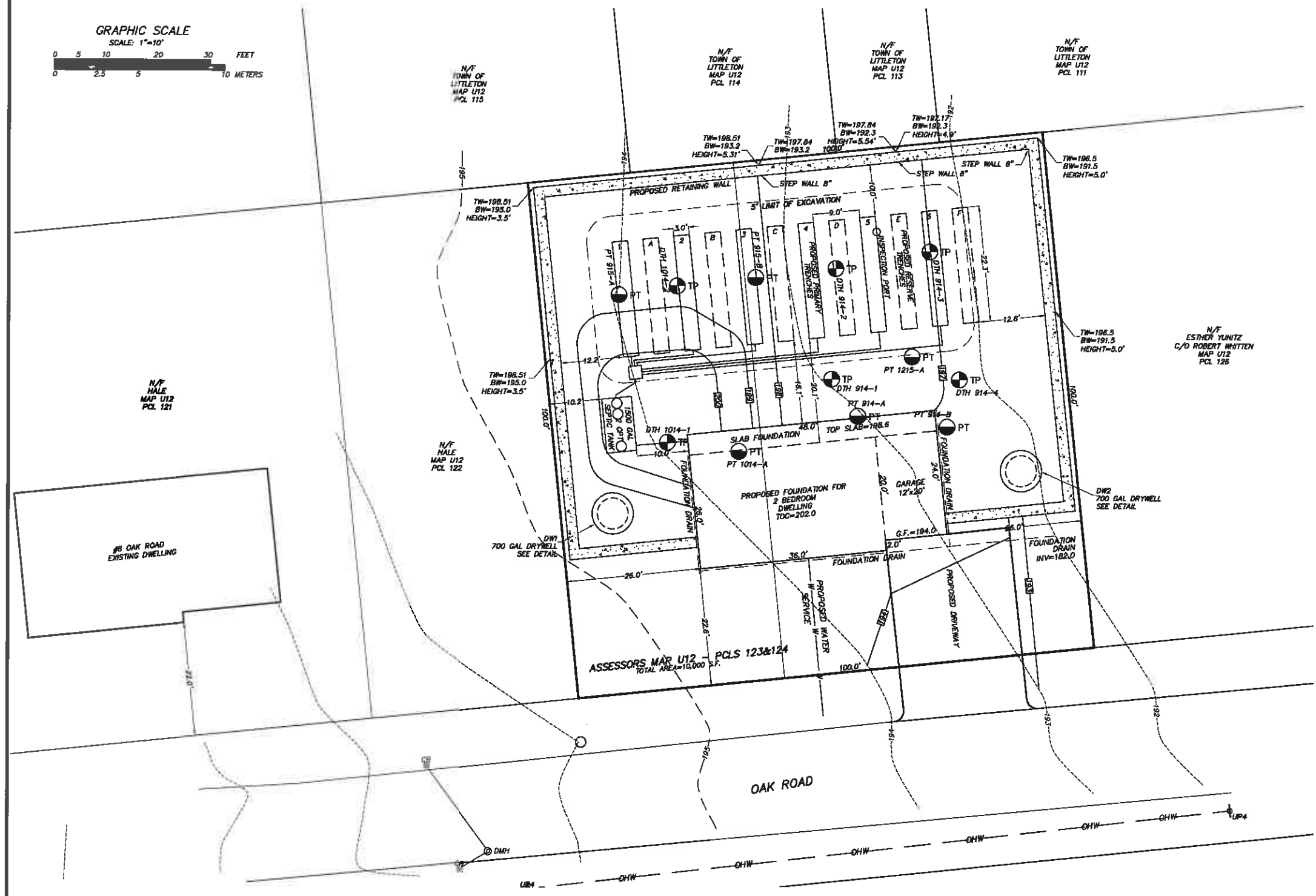
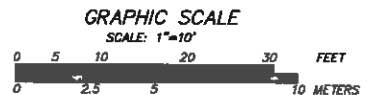
The Board in its discretion may dismiss an application or petition for failure to comply with any of the foregoing rules

PROPOSED SYMBOLS LEGEND	
PROPOSED RETAINING WALL	—D—
PROPOSED DRAIN MANHOLE	—S—
PROPOSED TRENCH DRAIN	—SS—
PROPOSED STORMCEPTOR	—W—
PROPOSED SEWER MANHOLE	—WS—
PROPOSED CATCH BASIN	—G—
PROPOSED UTILITY POLE	—E—
PROPOSED HYDRANT	—COM—
PROPOSED WATER GATE	—TSD—
PROPOSED WELL	—FM—
PROPOSED SEWER SERVICE	—WFE—
PROPOSED GAS SERVICE	—33+0—
PROPOSED GAS GATE	—07530001—
PROPOSED STORM DRAIN	
PROPOSED SANITARY SEWER	
PROPOSED SEWER SERVICE	
PROPOSED WATER MAIN	
PROPOSED WATER SERVICE	
PROPOSED GAS MAIN	
PROPOSED UNDERGROUND ELECTRIC	
PROPOSED UNDERGROUND COMM.	
PROPOSED CONTOUR	
PROPOSED FORCEMAIN	
PROPOSED FLARED END	
PROPOSED SPOT GRADE	
PROPOSED HAYBALES	

EXISTING SYMBOLS LEGEND	
EXISTING SINGLE WHITE LINE	SWL
EXISTING BENCHMARK	BM
EXISTING UNDERGROUND COMM.	C
EXISTING STORM DRAIN	D
EXISTING SANITARY SEWER	S
EXISTING WATER MAIN	W
EXISTING GAS MAIN	G
EXISTING UNDERGROUND ELEC.	E
EXISTING OVERHEAD WIRES	OHW
EXISTING 2" CONTOUR	2
EXISTING 10" CONTOUR	10
EXISTING STONE WALL	
EXISTING TREE LINE	
EXISTING GUARDRAIL	
EXISTING WETLAND LINE	
EXISTING WETLAND FLAG	
EXIST. MEAN ANNUAL HIGH WATER FLAG	
EXIST. STREAM	
EXISTING DOUBLE YELLOW LINE	DYL
EXISTING DRAIN MANHOLE	DMH
EXISTING SEWER MANHOLE	SMH
EXISTING CATCH BASIN	CB
EXISTING FLOW DIRECTION	
EXISTING FIRE HYDRANT	
EXISTING WATER GATE	
EXISTING UTILITY POLE	
EXISTING PERC TEST LOCATION	
EXISTING TEST PIT LOCATION	
EXISTING WELL	



LOCUS MAP  
NO SCALE



### GENERAL NOTES

- THIS DESIGN PLAN IS INTENDED SOLE FOR THE PURPOSE OF CONSTRUCTION OF THE SEWAGE DISPOSAL SYSTEM ONLY. ADDITIONAL TOWN AND STATE REGULATIONS MAY BE APPLICABLE TO THIS PROJECT INCLUDING BUT NOT LIMITED TO ZONING AND WETLANDS.
- SITE PLAN BASED ON EXISTING CONDITIONS. ALTHOUGH CARE HAS BEEN TAKEN TO DETERMINE SUBSURFACE CONDITIONS, THIS PLAN MAY NOT SHOW ALL UTILITIES, BEDROCK, BURIED DEBRIS OR OTHER SUBSURFACE ITEMS THAT MAY BE ENCOUNTERED DURING EXCAVATION. THE CONTRACTOR SHALL INFORM THE DESIGNING ENGINEER UPON ENCOUNTERING SUCH DISCREPANCIES.
- PROPERTY BOUNDARIES SHOWN ARE THE RESULT OF A SITE PLAN SURVEY CONDUCTED BY RUSS WILSON PLS BASED ON RECORDED PLAN 46 A OF 2 IN PLAN BOOK 356 IN THE MIDDLESEX SOUTH REGISTRY OF DEEDS.
- THE SEPTIC TANK SHALL BE PUMPED WHEN THE SLUDGE DEPTH IS WITHIN 12" OF THE BOTTOM OF THE OUTLET TEE WHEN THE TOP OF THE SCUM LEVEL IS WITH 2" OF THE TOP OF THE OUTLET TEE OR 2" OF THE BOTTOM OF THE OUTLET TEE (310 CMR 15.340) ABOUT EVERY 2 YEARS OR WHEN REQUIRED BY THE LOCAL BOARD OF HEALTH.
- ANY SITE WORK WITHIN 100' OF A WETLAND IS SUBJECT TO REGULATION UNDER THE WETLANDS PROTECTION ACT, AND REQUIRES FILING WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE LOCAL CONSERVATION COMMISSION.
- ALL KNOWN DRINKING WATER WELLS WITHIN 200 FEET OF THE PROPOSED SEWAGE DISPOSAL SYSTEM ARE SHOWN OR INDICATED.
- THE PROPOSED SEWAGE DISPOSAL SYSTEM IS NOT DESIGNED FOR THE USE OF A GARBAGE GRINDER.
- THE PROPOSED SEWAGE DISPOSAL SYSTEM IS INTENDED FOR TREATMENT OF SANITARY SEWAGE PRODUCED BY SINGLE FAMILY DWELLING UNITS ONLY. WATER TREATMENT DISCHARGES SUCH AS WATER SOFTENERS SHALL BE DISCHARGED TO A SEPARATE DRYWELL.
- THERE ARE NO WATER SUPPLIES OR TRIBUTARIES THERETO LOCATED WITHIN 400' OF THE PROPOSED SYSTEM (SOURCE DEP WSPA)

### CONSTRUCTION NOTES

- IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT DISAFA AT LEAST 72 HOURS PRIOR TO EXCAVATION OF PUBLIC OR PRIVATE PROPERTY. 1-BBB-DIG-SAFE
- EXCAVATION AND CONSTRUCTION PROCEDURES, AND MATERIALS SHALL CONFORM TO THIS PLAN, TITLE 5, AND THE REQUIREMENTS OF THE BOARD OF HEALTH.
- ANY DEVIATION IN CONSTRUCTION FROM THIS PLAN SHALL VOID ANY CERTIFICATION MADE RELATIVE TO THE SYSTEM UNLESS APPROVED IN WRITING BY THE LOCAL APPROVING AUTHORITY AND THE DESIGNING ENGINEER.
- ALL PRECAST SYSTEM COMPONENTS SHALL BE EITHER WATERTIGHT BY MANUFACTURER'S SPECIFICATION AND WARRANTY, OR MADE WATERTIGHT USING POLYMER SEALER OR SYNTHETIC POLYMER SEALER SPECIFIED BY THE CONCRETE OR SEALER MATERIAL MANUFACTURER.
- PRECAST CONCRETE TANKS SHALL BE SET ON A MINIMUM OF SIX INCHES OF MECHANICALLY COMPACTED CRUSHED STONE.
- DISTRIBUTION BOX OUTLET PIPES SHALL BE LAID LEVEL FOR THE FIRST TWO FEET OUT OF THE DISTRIBUTION BOX.
- DISTRIBUTION BOX SHALL BE SET ON EITHER SIX INCHES OF MECHANICALLY COMPACTED CRUSHED STONE, OR A SIX-INCH THICK CONCRETE PAD WITH AN AREA 1.5 TIMES THE BOTTOM AREA OF THE DISTRIBUTION BOX.
- DISTRIBUTION BOX SHALL BE EQUIPPED WITH A PVC TEE WITH THE USE OF A PLUM CHAMBER, OR WHEN THE SLOPE OF THE INLET LINE IS GREATER THAN SIX.
- SYSTEM SHALL BE VENTED THROUGH THE BUILDING PLUMBING OR AS SHOWN ON THE SYSTEM PROFILE.
- ALL UNSUITABLE MATERIAL ENCOUNTERED IN THE EXCAVATION SHALL BE REMOVED.
- ALL AGGREGATE USED FOR LEACHING STRUCTURES SHALL CONSIST OF DOUBLE WASHED STONE, THE SIZE SPECIFIED, AND FREE FROM IRON, FINES, AND DUST IN PLACE.
- THE 5' LIMIT OF EXCAVATION REQUIRES ALL ORGANIC MATERIAL WITHIN 5 FEET OF THE LEACHING FACILITY BE REMOVED AND REPLACED WITH WELL COMPACTED GRANULAR FILL MEETING THE REQUIREMENTS OF 310 CMR 15.255.
- ALL BACKFILL AND BREAKOUT FILL MUST BE CLEAN AND FREE OF STONES OR BOULDERS GREATER THAN 6" IN SIZE. TAILINGS, CLAY OR SIMILAR MATERIALS ARE PROHIBITED. SYSTEM SHALL BE GRADED TO PREVENT PONDING OF STORMWATER OVER THE LEACHING FACILITY.
- PRIOR TO EXCAVATION, THE SEWAGE DISPOSAL SYSTEM CORNERS SHALL BE STAKED AND FLAGGED BY THE DESIGN ENGINEER OR A PROFESSIONAL LAND SURVEYOR.
- THE BOTTOM AND SIDES OF THE EXCAVATION SHALL BE LEVEL AND SCARIFIED. VEHICULAR TRAFFIC IN THE EXCAVATION SHOULD BE AVOIDED.
- PRIOR TO PLACEMENT OF FILL, THE BOTTOM SURFACE SHALL BE SCARIFIED AND RELATIVELY DRY. THE WATER TABLE IS ABOVE THE ELEVATION OF THE BOTTOM OF THE EXCAVATION, THE EXCAVATION SHALL BE DE-WATERED AS NECESSARY.
- PRIOR TO BACKFILLING THE SYSTEM AFTER INSPECTION ALL SYSTEM COMPONENTS INCLUDING THE LEACHING LINES SHALL BE MARKED WITH MAGNETIC LOCATING TAPE.

### NOTIFICATION TO ABUTTERS

UNDER LITTLETON BOARD OF HEALTH REGULATION 23 PRIOR TO APPROVING A SYSTEM INCORPORATING A RETAINING WALL AND IMPERVIOUS BARRIER, ALL IMMEDIATE ABUTTERS SHALL BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE PUBLIC HEARING.

### LOCAL REGULATION VARIANCE REQUEST

THE FOLLOWING VARIANCE TO THE LITTLETON BOARD OF HEALTH REGULATIONS REQUIREMENTS FOR THE SUBSURFACE DISPOSAL OF SANITARY SEWAGE ARE REQUIRED FOR THIS DESIGN: REGULATION 27. FILL REQUIREMENTS: REQUIRES NO PORTION OF A FILL REQUIREMENT FOR SEWAGE DISPOSAL SYSTEMS SHALL BE WITHIN 10 FEET OF A PROPERTY LINE. A VARIANCE IS REQUESTED TO ALLOW THE CONSTRUCTION OF A RETAINING WALL WITHIN 2 FEET OF THE PROPERTY LINE FOR SYSTEM BREAKOUT GRADING. ABUTTER NOTIFICATION IS REQUIRED FOR THIS VARIANCE UNDER SECTION 23C.

DATE	REVISION	COMMENT
3/27/16	1	EXISTING DWELLING #8 OAK RD
2/15/16	2	NABOH COMMENTS: FOUNDATION
1/12/15	1	NABOH COMMENTS

DATE: 10/23/15  
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**SUBSURFACE SEWAGE DISPOSAL DESIGN SITE PLAN**  
OAK ROAD  
LITTLETON, MASSACHUSETTS

CLIENT:  
**M+M REALTY**  
442 KING STREET  
LITTLETON, MASSACHUSETTS

360 MASSACHUSETTS AVE, SUITE 202  
ACTON, MASSACHUSETTS 01720  
P(978) 284-4600 F(978) 283-0447  
www.MarkeyAndRubin.com

**Markey & Rubin**  
CIVIL ENGINEERING

**S1**

SHEET 1 OF 2