

**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

Handwritten: 2/24/16 9:45am
Stamp: RECEIVED

The filing is not official until stamped by the Town Clerk

Filing Fee paid: \$ 350 + 75 Check # 99

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: 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

Signature of Carl R. Strathmeyer

Date: 25 FEB 16

CARL R. STRATHMEYER

Print Name

80 KING ST

Address

LITTLETON MA 01460

Town, State, Zip

(617) 771-2688 (cell)

Phone #

cstrathmeyer@comcast.net

Email Address

Deed Reference: Bk 66493 Page 506

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

Signature of Carl R. Strathmeyer 25 FEB 16

Signature Date

STARRY THEME REALTY TRUST

CARL R. STRATHMEYER, TRUSTEE

Print Name (if different from petitioner)

- SAME -

Address (if different from petitioner)

- SAME -

Phone #

- SAME -

Email

ASSESSOR MAP & PARCEL NUMBER TBD AFTER SUBDIVISION

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

Check box if applicable

☒ AQUIFER DISTRICT

☒ WATER RESOURCE DISTRICT

RECEIVED

FEB 15 2016

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-butcher list
Legal Notice publication fee due prior to opening hearing

ZBA Case No.

869A

Site address

80 King Street

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 § 173-68, 173-36

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

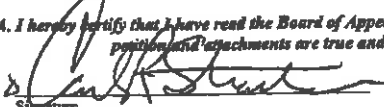
Under MGL c. 40B

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? 173-36
 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.
-  CARL R. STRATHMEYER
Signature Print name

Filing Instructions

1. **IMPORTANT: SEE THE BUILDING COMMISSIONER/ZONING ENFORCEMENT OFFICER BEFORE YOU FILE 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

**Attachment to Board of Appeals Application for Hearing
80 King Street, Littleton
25 February 2016**

The Board of Appeals has previously approved the petitioners' request for a Special Permit to allow mixed use residential/retail at 80 King Street (decisions attached).

The petitioners now request two additional Special Permits as follows:

- 1) A Special Permit to allow the continued use of the residence portion of 80 King Street as a two-family residence, and
- 2) A Special Permit to allow two signs relating to the retail business portion of the approved mixed use.

Petition for two-family occupancy

With respect to the first Special Permit, the property at 80 King Street has been occupied as a two-family residence since at least 1962. As part of the earlier hearing on the original Special Permit, the petitioners submitted copies of a published magazine article circa 1962 (attached) describing the two-family use and showing detailed floor plans for the two-family configuration. The floor plans clearly show two complete and separate apartments each comprising a kitchen, a bathroom, dining and living areas, and one or more bedrooms.

The petitioners wish to continue the two-family occupancy enjoyed by the previous owners and request a Special Permit authorizing that use.

Petition for Signs in Residence R Zone

The owners propose to erect two signs in support of the retail business already authorized by Special Permit:

- 1) One freestanding sign, two-sided, approximately 23 square feet in area per side, lit from below with LED lamps.
- 2) One wall-mounted sign, approximately 15 square feet in area, lit from above using recessed lighting in the building soffit.

The petitioners' application for a Building Permit for these signs was denied by the Building Commissioner because the subject property is in Residence District R and the requested signs exceed what is permitted by right in that zone.

The petitioners request a Special Permit for the proposed signs on the grounds that (1) a Special Permit has already been granted for the petitioners' retail use and reasonable signage is a customary attribute of a retail business; and (2) the proposed signs are in keeping with other signs in the neighborhood with respect to both size and design.

The attached conceptual renderings show the two proposed signs in their proposed locations in approximate scale. The building is painted in a historic straw-yellow color. The two-sided sign is proposed with a background in the same color and design and text in black. The wall sign is proposed

with a white background with design and text in black. The applicants propose the white background for the wall sign because the building wall on which the sign is mounted will be yellow.

The proposed signs are in keeping with the design and size of existing signs in the neighborhood. The attached section of the Littleton zoning map shows the locations of nearby signs:

- 1) Mobil gas station (main sign) – Business District B - Two-sided, 54 sq ft each side, internally lit
- 2) Veterinarian Clinic – Business District B - Two-sided, 25 sq ft each side, not lit
- 3) Indian Hill Music Center – Residence District R - Two-sided, 40 sq ft each side, lit from ground
- 4) Littleton High School – Residence District R - Two signs, each one-sided, 42 sq ft each, spotlighted from utility poles
- 5) St Anne Church – Residence District R - Two-sided, 23 sq ft each side including “Mass Times” panel, not lit
- 6) Pondside – Residence District R – Two signs, each one-sided, 23 sq ft each including “Now Leasing” panel, lit from ground

The petitioners request a Special Permit to erect the two proposed signs.

BUSINESS of FARMING

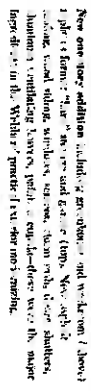
September-October 1962

This magazine is sponsored by
building materials dealers
as a home improvement service.



THE ECONOMICS
OF MODERNIZING
THE FARM BUSINESS • PAGE 7
FARM BUILDINGS • PAGE 8
THE FARM HOME • PAGE 13

Business of Farming
Magazine article
September 1962

[illegible]

Two families at work in 1990? 2000? Perhaps not. The trend is but only a trend. More and more Americans are turning to the Internet as the place to find information. There is a lot to be learned about the Internet.

The original Webster book was a reference to a large number of words, all of which were in common use at the time. The Webster book was a reference to a large number of words, all of which were in common use at the time.

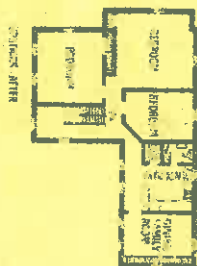
If you're not a student, however, there are too many things you can't do. Websters adds that, because of the vast number of spaces and niches that come with it, it is not a good "study" book. It is too voluminous to carry with you, and you can't purchase any of the more useful practical reference books and atlases at a low price.



1. $\frac{1}{2} \log \frac{1}{2}$

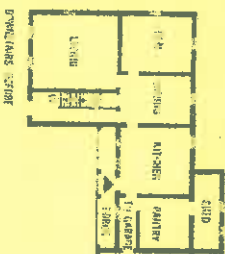
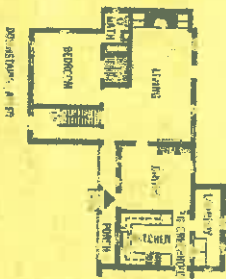
[illegible]

Second floor was modernized for family of three. We have two bedrooms, and attractive living, family room above, large Wall of windows in "sun" room provides space for indoor activities, covered deck as well as an attached deck. Name and front lawn.



downstairs

Speakers claiming reason to not keep Israel's kibbutz on Palestine also cite their strong feelings about the West Bank settlements and Israeli war crimes as a reason to withdraw. Also, they note, are "support in local and national



They served on

family housing can produce more farm profits. Perhaps the Webbers' modernizing ideas will help you

Fluons (phobos) show to our friends they and I are the same. Because the only thing, reason, reason's birth is as new thing, reason, I do not know, and I do not know in the future. Oh, and the thing is, I am not a phobos. I do not.

Eleventh Edition left is up-to-date, with 15 illustrations, contains deep coverage. Parents and other teachers. Vol. 2, with 15 illustrations, covers about weekly, monthly, and yearly activities, and for Handwritten Plans. No. 2, with 15 illustrations.

Grandfather-grandson combination. For 10% to 20% recovery, and this one with factory and Thermo-Mat. In our experience, CFC's have a where to go. CFC's have

80 King Street, Littleton MA



Approximate sign dimensions in concept rendering:

- 8ft 2in wide
- 2ft 10in tall
- 23 sq ft sign area
- 6in square posts
- 4ft from ground to bottom of sign



80 King Street, Littleton MA

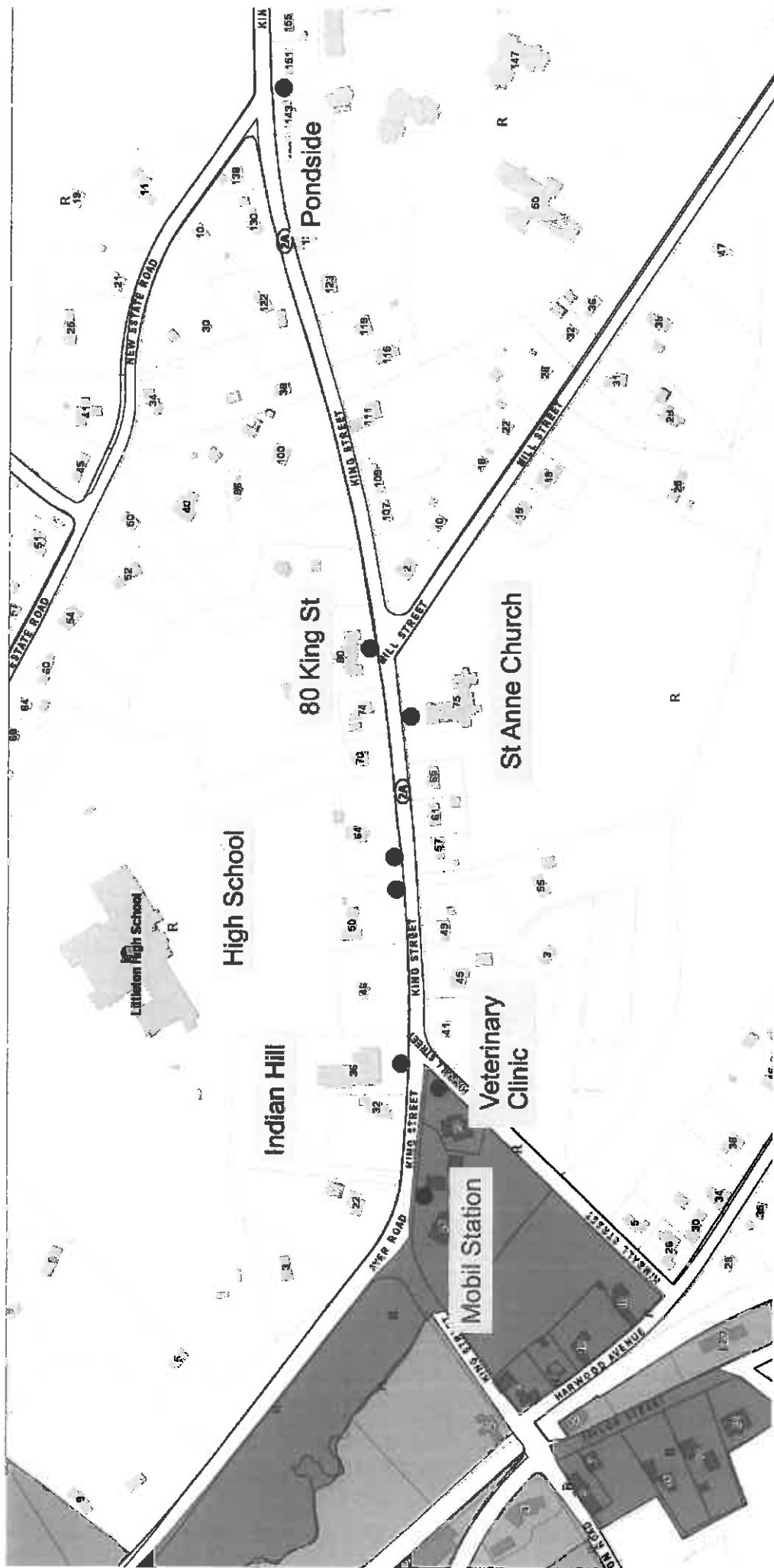


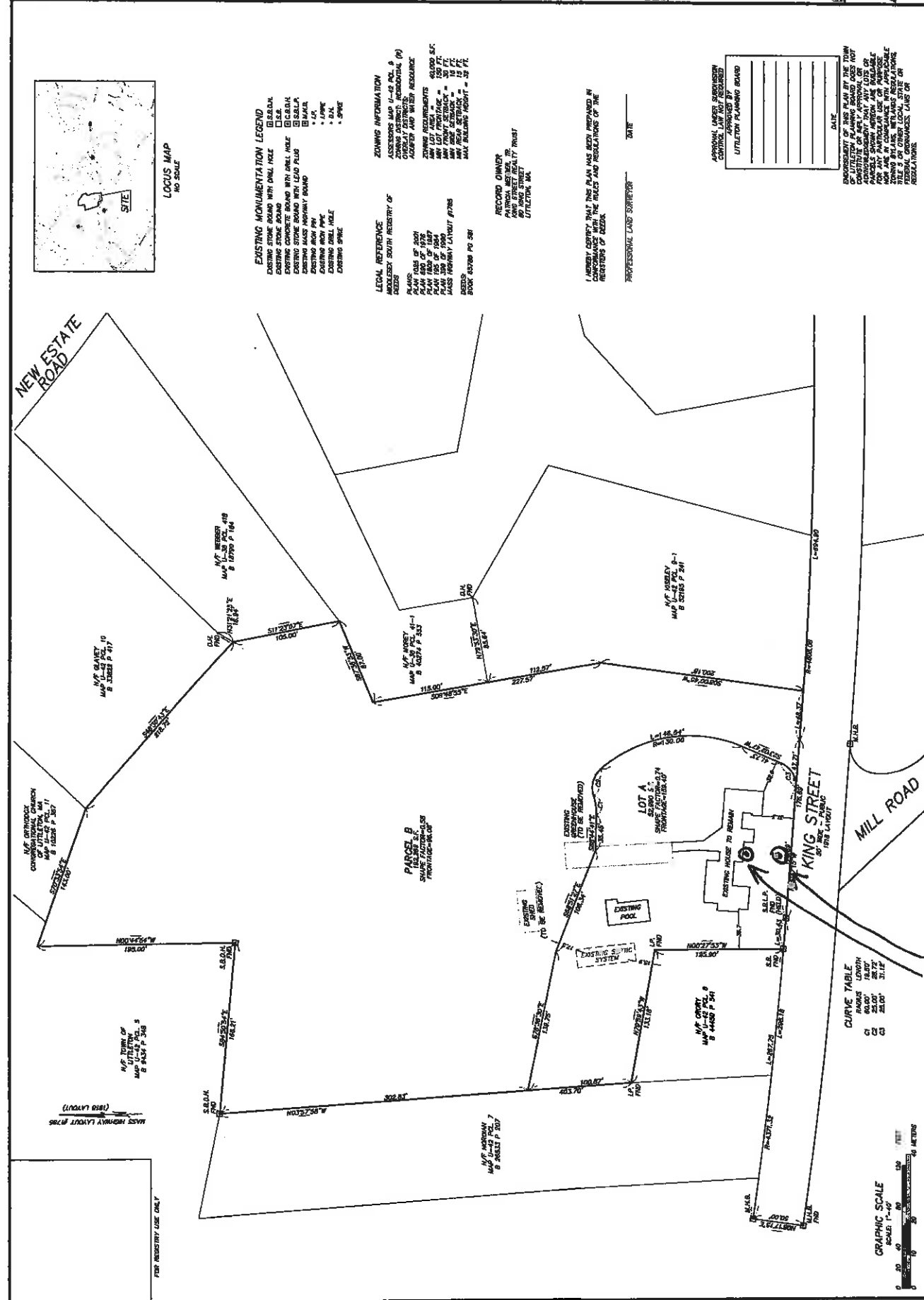
**Approximate sign dimensions
in concept rendering:**

6ft 8in wide

2ft 3in tall

15 sq ft sign area





Middlesex South Registry of Deeds

Electronically Recorded Document

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

Recording Information

Document Number	208037
Document Type	DEED
Recorded Date	December 08, 2015
Recorded Time	11:23:33 AM
Recorded Book and Page	66493 / 506
Number of Pages(Including cover sheet)	3
Receipt Number	1888493
Recording Fee (including excise)	\$2,400.44

MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001
Date: 12/08/2015 11:23 AM
Cit# 235020 08688 Doc# 00208037
Fee: \$2,275.44 Cons: \$499,000.00

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

QUITCLAIM DEED

I, PATRICIA W. WEBBER, being unmarried, Trustee of the KING STREET REALTY TRUST, w/d/t dated April 23, 2009, a Certificate of which is recorded with the Middlesex South District Registry of Deeds in Book 65786, Page 578, with an address of 80 King Street, Littleton, Middlesex County, Massachusetts

for consideration paid and in full consideration of FOUR HUNDRED NINETY-NINE THOUSAND AND 00/100 (\$499,000.00) DOLLARS

grant to CARL R. STRATHMEYER and ANDREA B. STRATHMEYER, Trustees of Starry Theme Realty Trust w/d/t dated December 7, 2015, a recorded trust, a Trustee Certificate for which is recorded herewith, of 39 Valley Road, Lunenburg, Worcester County, Massachusetts

with Quitclaim Covenants

The land in Littleton, Middlesex County, Massachusetts, with the buildings thereon, located at 80 King Street and being shown as LOT A on a plan entitled "Subdivision Approval Not Required Plan" 80 King Street, Littleton, Massachusetts, Markey & Rubin Civil Engineers dated October 15, 2015 and recorded with said Deeds as Plan No. 951 of 2015.

Said LOT A contains 52,990 square feet of land according to said Plan.

The undersigned hereby releases any and all Rights of Homestead which have been declared in the property or have been granted as a matter of law and further states that there are no other persons entitled to protection under the Homestead Act.

Being a portion of the same premises conveyed to the Grantor by Deed dated April 23, 2009 and recorded with the Middlesex South District Registry of Deeds in Book 65786, Page 581.

Executed as a sealed instrument this 7th day of December, 2015.

KING STREET REALTY TRUST

Patricia W. Webber, Trustee
PATRICIA W. WEBBER, Trustee

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss. December 7, 2015

On this 7th day of December, 2015, before me the undersigned Notary Public, personally

appeared the above-named PATRICIA W. WEBBER, Trustee, who proved to me through

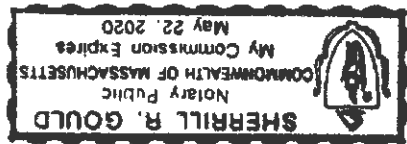
satisfactory evidence of identification, which was the presentation of a driver's license, to be the

person whose name is signed on the preceding document, and acknowledged to me that she

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 her knowledge and belief.

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



Petitioner: Carl Strathmeyer
Address: 80 King Street, Littleton, Ma.
Case No. 858A

Date Filed: July 27, 2015

The Littleton Board of Appeals ("Board") conducted a public hearing on August 20, 2015 at the Shattuck Street Municipal Building on the petition of Carl Strathmeyer for a special permit under the requirements of Section 173-10(B) to permit a change, extension or alteration to a preexisting non-conforming use at 80 King Street, Littleton, Ma. Notice of the hearing was given by publication in the Littleton Independent, a newspaper circulated in Littleton on August 6 and 13, 2015, and by mail to all abutters and parties in interest. Present and voting: Acting Chairman, William Farnsworth, Cheryl Hollinger, and Jeff Yates, members, Marc Saucier and Rod Stewart, Alternates. Present and not voting were Alan Bell and Patrick Joyce, Alternates.

The petitioner is the purchaser of the property at 80 King Street, Littleton, Ma., under a Purchase and Sale Agreement with the current owner. He presented an application for a special permit to extend and alter a pre-existing non-conforming use at 80 King Street, to allow (a) sales and repair of musical instruments, (b) studio space for private music lessons, and (c) a small retail/performance space. The property has been used as a residence and retail business (Webber Florist Company) since 1927. The property is in a residential district. It has a large colonial structure with first floor retail showroom, storage and arrangement space, as well as greenhouses and other building additions. It also has a residence on the first floor and another residence on the second floor. There is parking in front of the building. The property is located on a state highway, Route 2A/110. Across the street is the Catholic Church and along the street are residences, the Indian Hill Music for the Arts, and the Littleton High School. The petitioner stated that the proposed use of the property as a music store and studio to (a) sell and repair musical instruments (b) provide studio space for private lessons and (c) for small performance recitals by students would not be substantially more detrimental to the neighborhood than the existing non-conforming use.

The Petitioner presented a copy of the deed, a copy of the Purchase and Sale Agreement, and a power point presentation with his plans for renovating and using the space within the structure. He described in detail his business plan and the traffic anticipated, as well as his hours of operation and his history as an owner of a music store currently in downtown Littleton. The renovated space would result in approximately 3,000 - 4,000 square feet of retail showroom, studios and storage on the first floor, with residential use continuing on the second floor. He explained that his store sells higher end and higher quality instruments so the location near the highway was ideal for his destination type customers.

A letter received from the Building Inspector was read into the record. His comment was that the florist business was originally a legally permitted use as a greenhouse and single family dwelling, but that over the years a retail component was added. His opinion was that the retail business was accessory to the onsite horticulture operation so it could be argued that the Petitioner's request should be treated as a variance. Several abutters appeared in support of the Petitioner's proposed change of use if the decision was by Special Permit, which could contain conditions, and not by variance, which would allow that property to be used for any commercial purpose in the future.

The Board deliberated the merits of the application and the comments from the Building Inspector. The Board agreed that the retail use of the business for flower sales, assembly of arrangements, and delivery was a pre-existing non-conforming use. They further agreed that the

received
7/27/15

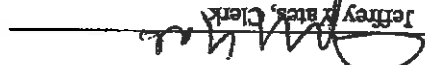
proposed use for retail sales and service of musical instruments and music lessons was not an "change, extend and alter" a pre-existing non-conforming use for the purpose of the requested uses (a) sale and repair of musical instruments, and (b) music lessons. The Board also requested that an opinion of counsel could be received whether the performance/recital space could be authorized by special permit and should be treated as a variance. The Petitioner agreed.

FINDINGS: The Board found that the Petitioner satisfied all of the requirements for a special permit under the bylaw as to the retail sales and service of musical instruments and small studio spaces for lessons. The Board found that the change was not substantially more detrimental to the neighborhood than the existing non-conformity.

DECISION: The Board voted unanimously to Grant a Special Permit under Section 173-10(B) of the Littleton Zoning By-law to permit the retail sales and service of musical instruments and to provide studio space for music lessons at 80 King Street, Littleton, Ma.

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.

This Special Permit 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.

Signed:  Jeffrey Bates, Clerk

Dated: September 22, 2015
Book 30137, Page 166

I hereby signify that twenty 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

Petitioner: Carl Strathmeyer
Address: 80 King Street, Littleton, Ma.
Case No. 858A
Date Filed: July 27, 2015

The Littleton Board of Appeals ("Board") conducted a continued public hearing on September 17, 2015 at the Shattuck Street Municipal Building on the petition of Carl Strathmeyer for a special permit under the requirements of Section 173-10(B) to permit a change, extension or alteration to a preexisting non-conforming use at 80 King Street, Littleton, Ma. Notice of the hearing was given by publication in the Littleton Independent, a newspaper circulated in Littleton on August 6 and 13, 2015, and by mail to all abutters and parties in interest. Present and voting: Acting Chairman, William Farnsworth, Cheryl Hollinger, and Jeff Yates, members, Marc Saucier and Rod Stewart, Alternates. Present and not voting were John Cantino, Member and Patrick Joyce, Alternate.

The petitioner is the purchase under contract for the property at 80 King Street. This is a property in a residential zone on a busy state highway, Route 2A/110. It currently houses a residence and a florist business. He had previously presented an application for a special permit to extend and alter a pre-existing non-conforming florist business use at 80 King Street to allow for (a) retail sales and repair of musical instruments, (b) small studio space for private music lessons, and (c) small performance/recital space for students. The Board granted a Special Permit for a change of use from an existing retail flower shop to a business for (a) the retail sales and repair of musical instruments, and (b) for studio space for private lessons. The Petitioner's third request for (c) small performance space for recitals by students and demonstrations by visiting musicians, however, was continued so that the Board could obtain an opinion of counsel whether this additional use could be treated as a special permit or whether it would require a variance.

A letter was received from Town Counsel with his opinion. It stated that the small performance/recital space could also be authorized by special permit upon a Board finding that this use will not be substantially more detrimental to the neighborhood than the existing use.

The Petitioner submitted information that the proposed recital space consists of approximately 400 square feet, in a renovated two car garage. It is intended only for small gatherings of students and family, not to exceed 25 persons. His plans allow for sufficient off street parking (approximately 24 spaces) to accommodate the use. He also explained that the noise and sound levels generated would be far less than the noise generated from the traffic already present on Route 2A/110. He submitted that his hours of operation would not be later than 9:00 PM. The board noted that there is already heavy traffic and noise on the street, as it is a major trucking route, and it hosts the High School, a Church and a larger musical performing arts studio. One abutter appeared in support of the applicant if the use was allowed by Special Permit and not by variance.

FINDINGS: The Board found that the Petitioner satisfied all of the requirements for a special permit under the bylaw and that the proposed change of use to small studio and recital space would not be more detrimental to the neighborhood provided there were limited conditions.

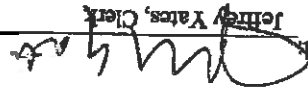
DECISION: The Board voted unanimously to grant a Special Permit under Section 173-10(B) of the Littleton Zoning By-law to permit the small studio and recital space at 80 King Street, Littleton, Ma., with the following conditions:

1. No more than 25 person capacity during the recital
2. The recitals not go past 9:00 P.M.



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.

This Special Permit 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.

Signed:  Jeffrey Yates, Clerk

Dated: September 22, 2015
Book 30137, Page 166

I hereby signify that twenty 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