# 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.**



Sept 17 @ 7:30

ZBA Case No. 8604 Site address 2 Curtis Street

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 9/4/15

The filing is not official until stamped by the Town Clerk

Filing Fee paid: $ 275 Check # 2327

***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.***

$300 $275

L Lord 9/4/15
*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** Joanne Sperazzo **Date:** 8/6/15

Joanne Sperazzo — *Print Name*
978-952-2699 (2699) — *Phone #*
2 Curtis Street — *Address*
jspaz210@gmail.com — *Email Address*
Littleton, Ma 01460 — *Town, State, Zip*
*Deed Reference: Bk _____ Page _____*

**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** U-39 26

**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 → $75 to Comm of Mass-recording fee
Commercial Property $350 to Town of Littleton → $25 to Town of Littleton-abutter list
Comprehensive Permit $1000 + $100/unit over 10 units

**ADDITIONAL FEES**(all applications)
Legal Notice publication fee due prior to opening hearing

ZBA Case No. 8604
Site address 2 Curtis 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 § 173-58

**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.***

Joanne Sperazzo Joanne Sperazzo
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.***

_____ _____
Signature Print name

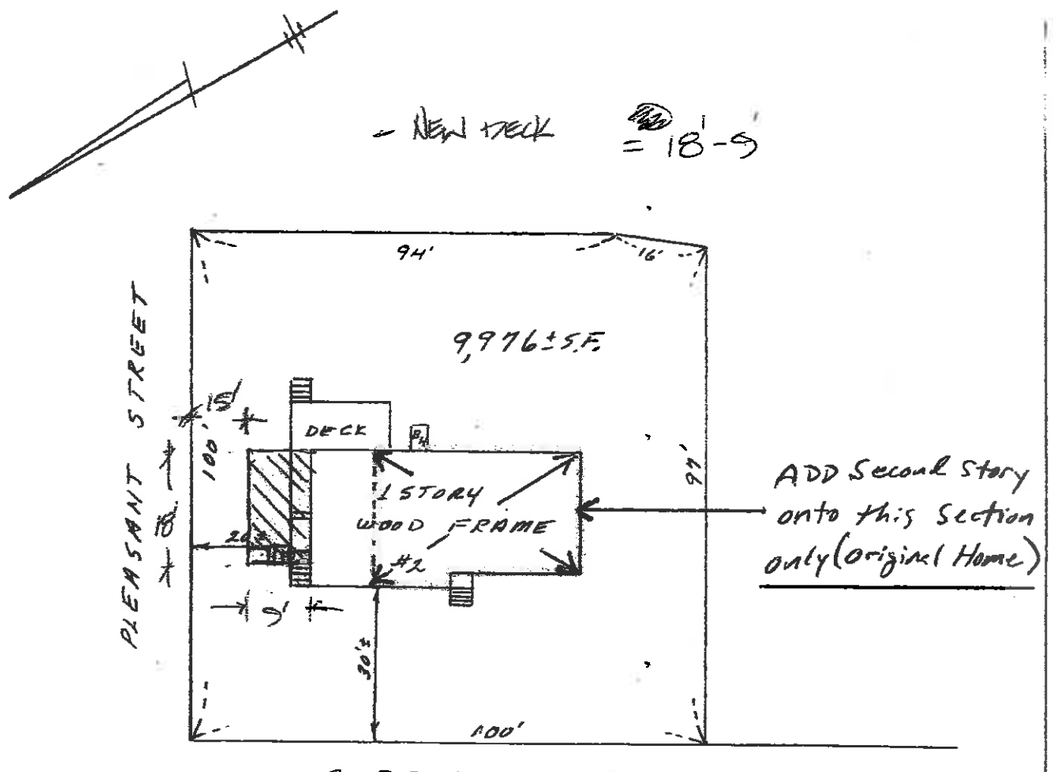
# Filing Instructions

1. **IMPORTANT: SEE THE BUILDING COMMISSIONER/ZONING ENFORCEMENT OFFICER BEFORE YOU FILL OUT THIS APPLCATION.** 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




**MORTGAGE SURVEY OF LAND**
**IN**
**LITTLETON, MASSACHUSETTS**

**Scale:** 1" = 30'
**J.J. Caffrey, PLS**

JUNE 23, 1999
**Weston, Mass.**

I certify that the structure shown on this plan is located as shown and the location conformed to the zoning laws of the Town of Littleton when constructed.

I hereby certify that the structure shown on this plan does not lie within the Flood Boundary Area as shown on the FEMA NFI Rate Map #250200, dated June 15, 1983, for the Town of Littleton.

This is a tape survey not to be used for establishing property lines, hedges, or any purpose other than its original intent. This plan was drawn for mortgage purposes only. Not to be recorded.

PLAN REF:
BOOK BH33 PG. 376
BOOK 9571 PG. 116