



OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

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Board Use Only Case # 816A Filing Date 9/5/12

The undersigned, having standing in this matter, hereby petitions the Littleton Board of Appeals for a VARIANCE X SPECIAL PERMIT and/or X APPEAL (Check all that apply)
as specified below and as provided by the Town of Littleton Zoning Bylaw

1. LOCATION OF THE PROPERTY:

Please print

A. Street Address 30 Porter Road

B. Assessors' Map and Parcel # R-12, Parcel 6-0

 Zoning District X Aquifer District Water Resource District

C. Deed Reference Book 57217, Page 404

2. LITTLETON ZONING BYLAW SECTION(S)

A. Variance 173-35

B. Special Permit 173-6.B.2 and specifically the Building Commissioner's letter of August 6, 2012 attached hereto as Exhibit "A".

C. Appeal

3. STATE BRIEFLY REASONS FOR THIS PETITION Use additional sheets, if necessary

See Exhibit "B" attached hereto and incorporated herein by reference.

4. PETITIONER(S) 30 Porter LLC

 X Owner Tenant Licensee Agreed Purchaser Agent Other

NOTE: If petitioner is not the owner, furnish written authorization from owner below.

[Handwritten signature of Michael M.T. Romanow]

Signature Michael M.T. Romanow

August 31, 2012

Date 508-655-2800

Mailing Address Romanow and Romanow
190 North Main Street, Natick, MA 01760

Telephone #

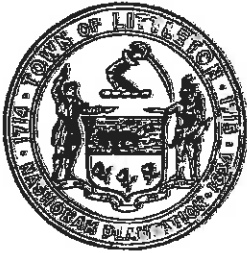
Town Clerk Use ONLY

Filing Fee Paid \$ 350.00

Registry Fee Paid \$ 75.00

Date 9/5/12

EXHIBIT "A"



**BUILDING COMMISSIONER
ZONING OFFICER**

P.O. BOX 1305
LITTLETON, MA 01460
VOICE (978) 536-2420

August 6, 2012

30 Porter LLC
346 University Ave
Westwood, MA 02090

Re: Freestanding Sign
30 Porter Road
Littleton, MA

To Whom It May Concern,

Be advised that the freestanding sign at the front of the 30 Porter Road property is in violation of the Littleton Zoning Bylaws §173-35 C. and §173-40. Specifically, the sign exceeds the allowed square foot area and was erected without a sign permit.

Upon receipt of this letter you are hereby ordered to remove said freestanding sign until such time a permit is secured for this office. Failure to comply with this order shall result in fines and further legal action.

You have the right to appeal this order pursuant to General Laws Chapter 40A, Section 8 and 15, to the Littleton Board of Appeals, provided such an appeal is taken within thirty days from the receipt of this order. Failure to file a timely application is fatal.

Sincerely,

ROLAND BERNIER
Building Commissioner
Zoning Officer

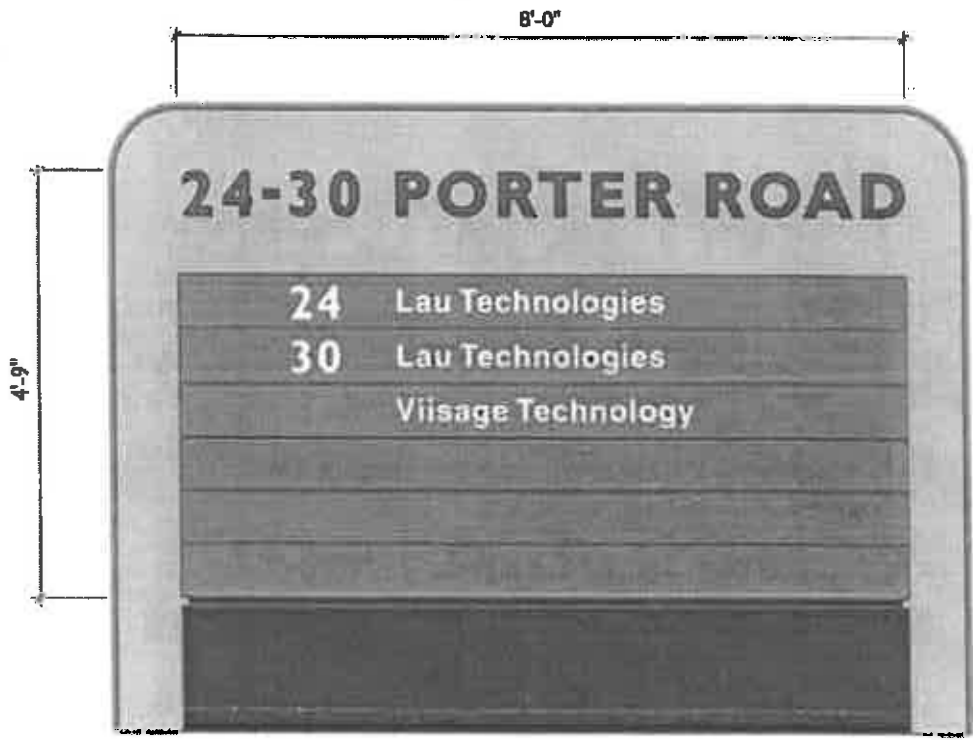
EXHIBIT "B"

On or about July 29, 2011 the Petitioner purchased 30 Porter Road, Littleton, Massachusetts (the "Property") from DEK Portfolio Limited Partnership. At the time of the Petitioner's purchase of the Property, the Property had a sign erected on it as shown on Exhibit "B-1". After the Petitioner purchased the Property, in approximately February of 2012, it changed only the lettering on the sign without in anyway changing the single continuous perimeter enclosing any or all of the display area as shown on Exhibit "B-2". Upon the Petitioner's information and belief, the sign shown in Exhibit "B-1" was filed with, and allowed, by the Town of Littleton Building Commissioner, and the Petitioner believed that in using exactly the same perimeter of the display area and changing only the lettering on the sign that it was fully complying with the Town of Littleton's bylaws and/or any other permits which may have been issued by the Town for the sign as the Petitioner in no way changed any of the sign's dimensions. On August 6, 2012, the Petitioner was notified by the Building Commissioner as shown in Exhibit "A" that the Petitioner's sign exceeded the allowed square foot area and was erected without a sign permit. As a result of the August 6, 2012 letter, the Petitioner, in accordance with the terms of said letter, is appealing the Building Commissioner's August 6, 2012 letter.

EXHIBIT "B - 1"

R12-6

True w
Permit



Elevation

Scale: 1/2" = 1'-0"

Installation

Using 2, 4" square aluminum posts dig 3'-0" down and one bag of concrete in each hole.

Double-face ground sign
non-illuminated

4'9" x 8'0" 38 1/2"
6'6" OAK

EXHIBIT "B - 2"

SIGN★A★RAMA

WHERE THE WORLD GOES FOR SIGNS

Customer: Romanow

Contact: Dan

Date: 1.25.12

Proof: 2

Design: Lauren

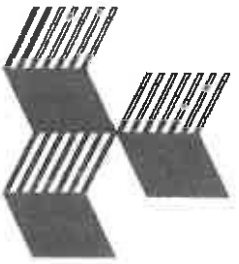
Approved by:

7 Summer St. Unit 29 - Chelmsford MA, 01824 • p: (978) 459-6088 f: (978) 459-6099 • signarama-chelmsford.com

Note: Actual colors may not be correctly represented by computer monitors or printed proofs. Colors are defined by the digital file used for final production. Matching of specific colors is also available for an additional fee. Up to 3 proofs are provided free of charge, additional proofing is available for an additional fee. Sign-A-Rama will prepare your order according to your specifications. The customer is solely responsible for proofreading. By signing the proof, you engage contract and approve of its content.

ROMANOW

] 9"



] 30"

PACKAGING

] 9"

30 Porter Road

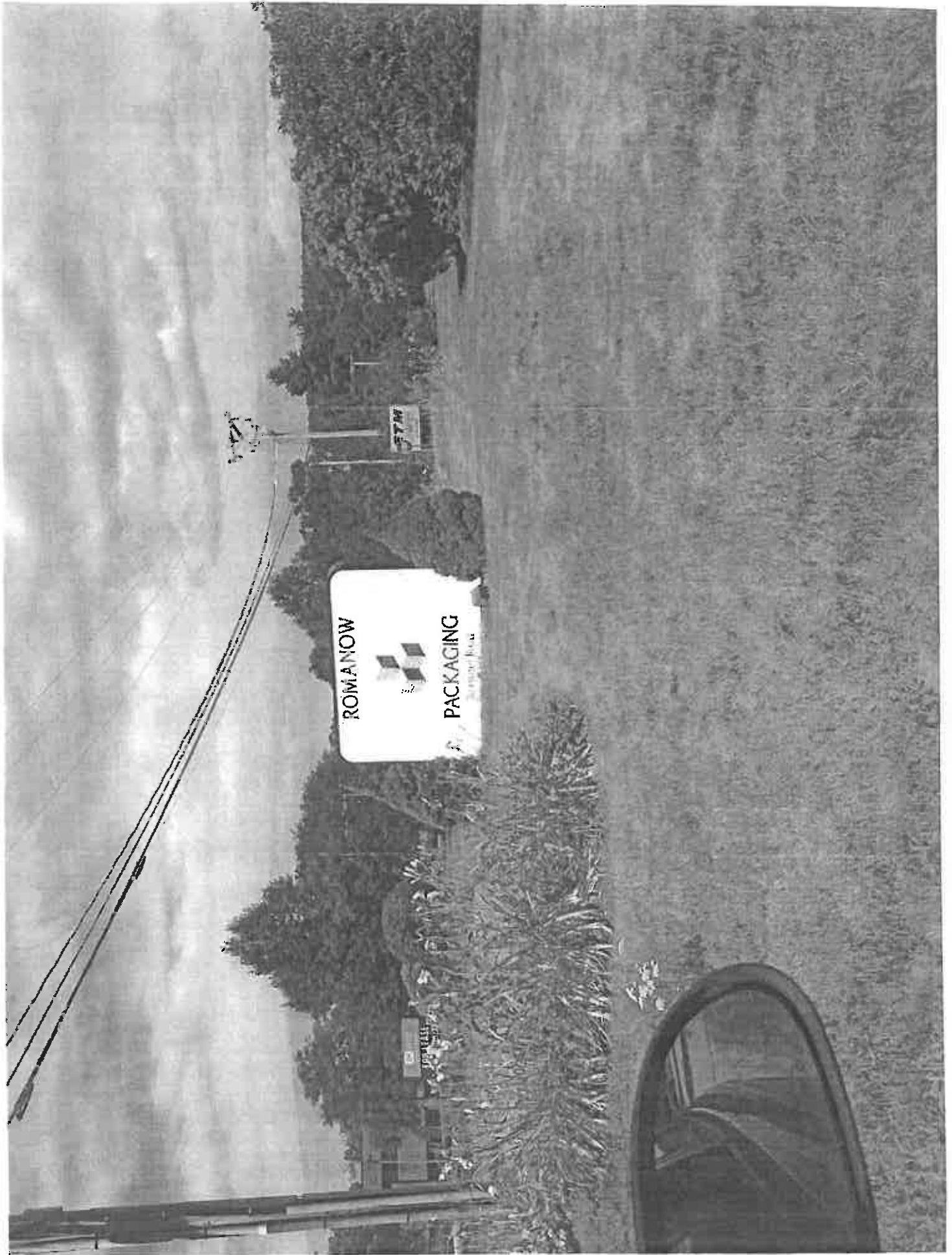
] 5"

Qty: 2 - 10ft x 7ft

White Aluminum Face

Black & Red Vinyl Lettering





Jessica N. Stokes, Esq.
Lerner & Holmes, PC
Two Center Plaza, Suite 415
Boston, MA 02108

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J



Bk: 57217 Pg: 404 Doc: DEED
Page: 1 of 4 07/29/2011 11:54 AM

QUITCLAIM DEED

Property Address: 30 Porter Road, Littleton, MA

DEK PORTFOLIO LIMITED PARTNERSHIP, a Delaware limited partnership, having an address c/o Great Point Investors LLC, Two Center Plaza, Suite 410, Boston, MA 02108 (the "Grantor"), for consideration of Two Million One Hundred Thousand Dollars (\$2,100,000.00) paid, grants to 30 PORTER LLC, a Massachusetts limited liability company, having an address at 346 University Avenue, Westwood, Massachusetts 02090, with QUITCLAIM COVENANTS, a tract of land, with all improvements thereon, commonly known as 30 Porter Road, situated in Littleton, Middlesex County, Massachusetts, which property is described on Exhibit A hereto, being a portion of the premises conveyed to grantor by deed of Digital Equipment Corporation, dated as of December 29, 1998, recorded with said Deeds in Book 29606, Page 236.

Said premises are further conveyed subject to and with the benefit of all other rights, easements, covenants and restrictions of record, if any, all insofar as now in force and applicable, and further subject to real estate taxes assessed for the current fiscal year, but not yet due and payable which the grantee by acceptance hereof hereby assumes and agrees to pay.

Grantor is a limited partnership that is not classified for the taxable year as a corporation for federal income tax purposes.

[Remainder of page intentionally left blank]

MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001
Date: 07/29/2011 11:54 AM
Ctrl# 158844 16280 Doc# 00130780
Fee: \$9,574.00 Cont: \$2,100,000.00

PLEASE RETURN TO:
LAWYERS TITLE/COMMONWEALTH LAND TITLE
COMMERCIAL SERVICES OFFICE
265 FRANKLIN STREET, 8TH FLOOR
BOSTON, MA 02110
ATTN: Ann FILE NO. C18111

EXHIBIT A

That certain parcel of land in Littleton, Middlesex County, Massachusetts, situated on the northeast side of Porter Road and bounded and described as follows:

Beginning at a Massachusetts Highway Bound in the northeast line of Porter Road shown on a plan entitled "Plan of Land in Littleton, Mass. Prepared for Digital Equipment Corporation", dated November 29, 1988, by G.H.R. Engineering Associates, Inc., recorded with the Middlesex South District Registry of Deeds as Plan No. 209 of 1989, recorded in Book 19673, Page 393, thence running

N 40° 28' 47" W: by Porter Road, 182.9 feet to the centerline of a brook (sometimes known as Beaver Brook); thence

EASTERLY: by the centerline of the brook and by a ditch about 979 feet by land now or formerly of M. Craig & Erica Kernan; thence

N 22° 28' 37" W: by a line through wetlands and across the brook, 293.12 feet to land now or formerly of Harold F. Merrill; thence

N 76° 41' 07" E: by the Merrill land, 362.24 feet by a line that crosses the brook to a point common to the Merrill land and land now or formerly of Samuel & Viola DeSilvio; thence

N 86° 18' 15" E: by the DeSilvio land, 283.74 feet to a corner; thence

S 08° 42' 18" E: by the DeSilvio land again, 150 feet to a stone bound; thence

S 08° 43' 04" E: by land now or formerly of Ronald T. & Sandra L. Hincley and Orangewood Littleton Trust, 704.27 feet to a drill hole in a concrete bound; thence

S 58° 42' 40" W: by the Orangewood land, 228.66 feet to a concrete bound at the end of a right of way to Taylor Street; thence

S 33° 43' 37" W: by land of Boston Gas Company, 582.95 feet to a drill hole in a stone bound at land now or formerly of Irene Pacy; thence

N 82° 24' 30" W: by the Pacy land, 250.05 feet to Porter Road, thence

NORTHWESTERLY: by Porter Road by a curve to the left of 721.47 feet of radius a distance of 257.09 feet; thence

N 43° 28' 30" W: by Porter Road, 264.52 to the southwest corner of Lot 5A; thence

N 72° 00' 50" E: by Lot 5A, 505.26 feet; thence

N 17° 59' 10" W: by Lot 5A, 380 feet; and thence

S 72° 00' 50" W: by Lot 5A, 686.42 feet to the point of beginning.

Containing, according to the Plan, 20.671 acres and being shown as the George E. Cunningham Lot and Lots 4 and 5 thereon.

There is appurtenant to this parcel an easement for all purposes of a way over a forty foot wide strip of land leading to Taylor Street granted by Boston Gas Company to George E. Cunningham by Instrument dated September 5, 1956, and recorded with said Deeds in Book 8806, Page 133.