

OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

Board Use Only ... Case # 818A Filing Date 12-26-12

The undersigned, having standing in this matter, hereby petitions the Littleton Board of Appeals for a VARIANCE SPECIAL PERMIT and/or 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 19 Crane Road

B. Assessors' Map and Parcel # R09 Parcel 22

Zoning District Aquifer District Water Resource District

C. Deed Reference Book 45465 / Page 293

2. LITTLETON ZONING BYLAW SECTION(S)

A. Variance 173-31

B. Special Permit _____

C. Appeal _____

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

There is a hardship owing to the shape, soil and/or topography
of the lot. The approved septic system will require a retaining wall
in excess of 4', which will not meet the required sideyard and frontyard
setbacks in the R zone.

4. PETITIONER(S) Applewood Construction Corp.

Owner Tenant Licensee Agreed Purchaser Agent Other

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

[Signature]
Signature

90 TOWN ST # 20 TOWN
Mailing Address

12/26/12
Date

978649777
Telephone #

Town Clerk Use ONLY Filing Fee Paid \$ _____

Date 12/26/12

DESCHENES & FARRELL, P.C.

Attorneys at Law
515 Groton Road, Suite 204
Westford, MA 01886
Telephone: (978) 496-1177
Facsimile: (978) 577-6462

*Douglas C. Deschenes
Kathryn Lorah Farrell
Melissa E. Robbins**

*Kevin S. Eriksen
Of Counsel:
Michael G. Furlong**

**Admitted in MA and NH*

December 24, 2012

Town of Littleton
Board of Appeals
P.O. Box 1305
Littleton, MA 01460

Re: Variance Request for 19 Crane Road, Littleton MA

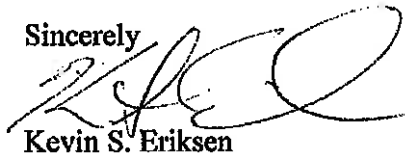
Dear Madam Chair and Members of the Board,

This office represents Applewood Construction Corp. regarding the above referenced property. The applicant proposes to construct a single family residential structure on a fully conforming residential lot located on Crane Road. The septic design will require the installation of a retaining wall which will, in certain locations, retain four (4) or more feet of unbalanced fill and will therefore be considered a "structure" as that term is defined in the Littleton Zoning Bylaws. The retaining wall will not meet the front and side yard setback requirements in the residential zone. Accordingly, a variance to Section 173.31 of the Littleton Zoning Bylaws is hereby requested. In support of this request, the applicant states that a hardship exists owing to the shape, soil and/or topography of the lot, that a literal enforcement of the bylaws would result in substantial hardship to the applicant, including a financial hardship, and that relief can be granted without substantial detriment to the public good.

Specifically, due to the topography of the lot, as well as the soils on site, it is very difficult to construct a subsurface sewage disposal system necessary to meet the applicable requirements of Title 5. The lot in question is relatively flat and consists of predominantly "Ridgebury" soils. Ridgebury soils consist of deep, poorly drained soils formed in till and derived mainly from granite, gneiss and schist. As is typical with Ridgebury soils, there is a compact layer of soils resulting in a "perched" water table at approximately 18 inches deep on the lot in question. State law requires that the bottom of the proposed leaching facility be a minimum of four feet above the seasonal high ground water. In order to meet this requirement, and because of the high groundwater elevation owing to the soil type and the flat topography on the lot in question, it is necessary to bring in fill material prior to the placement of the leaching facility. The retaining wall is necessary to meet the slope requirements of Title 5. The septic system cannot be located at any other location on the lot due to the extensive wetlands on site. As a result, a literal enforcement of the bylaws would result in a substantial hardship to the applicant.

Please find a completed application, along with plans of the subject property, copy of the current deed, abutter notification labels and the applicable application fee. Thank you in advance for your time and consideration.

Sincerely

A handwritten signature in black ink, appearing to read 'K. Eriksen', written in a cursive style.

Kevin S. Eriksen

I, **Therese B. Wall** also known as **Therese F. Wall**

of Littleton, Middlesex County, Massachusetts

for consideration of Four Hundred Sixty Five Thousand Two Hundred Dollars (\$465,200.00)

grant to Cherian Thomas and Molly Thomas, Husband & Wife, Tenants by the Entirety of 19 Crane Road, Littleton, Massachusetts 01460

with **QUITCLAIM COVENANTS**



Bk: 45465 Pg: 293 Doc: DEED
Page: 1 of 2 08/24/2005 03:34 PM

See Exhibit A. attached hereto for legal description.

EXECUTED AS A SEALED INSTRUMENT THIS 23RD DAY OF JUNE, 2005.

MASSACHUSETTS EXCISE TAX
Southern Middlesex District FOC # 001
Date: 08/24/2005 03:34 PM
Ctrl# 05441515822 Doc# 00134608
Fee: \$2,122.68 Cons: \$465,200.00

Therese B. Wall by Alison W. Jackson,
Therese B. Wall aka Therese F. Wall *attorney-in-fact*
By: Alison W. Jackson, Attorney-in-Fact

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this 23RD day of June, 2005, before me, the undersigned notary public, personally appeared Alison W. Jackson, Attorney-in-Fact for Therese B. Wall aka Therese F. Wall, proved to me through satisfactory evidence of identification, which was her Massachusetts driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

William C. Barton

William C. Barton, Notary Public
My Commission expires: December 29, 2017



D. BRUCE FITZSIMMONS, JR. ESQ.
635 MASSACHUSETTS AVENUE
ARLINGTON, MA 02476

PROPERTY ADDRESS: 19 CRANE RD., LITTLETON, MA 01460

2
K2

EXHIBIT A

Parcel I:

The land in Littleton with the buildings thereon shown as Lot 8 on the plan entitled, "Plan of Lots in Littleton, Mass.," by Miller & Nylander, dated October 16, 1961, recorded with Middlesex South District Deeds as Plan No. 1790 of 1961, and bounded:

NORTHERLY by Crane Road two hundred four and 02/100 (204.02) feet;
EASTERLY by Lot 9 three hundred eighty and 55/100 (380.55) feet;
SOUTHERLY by land of Porter G. Jenks two hundred and 49/100 (200.49) feet; and
WESTERLY by Lot 7 four hundred six and 91/100 (406.91) feet.

Containing, according to said plan, 1.8 acres more or less.

Being the same premises conveyed to Robert B. Wall and Therese F. Wall by deed of Jenks Homes, Inc., dated February 26, 1962 and recorded with said Deeds in Book 9991, Page 183.

Parcel II:

The land in Littleton with the buildings thereon shown as Lot 9 on the plan entitled, "Plan of Lots in Littleton, Mass.," by Miller & Nylander, dated October 16, 1961, recorded with Middlesex South District Deeds as Plan No. 1790 of 1961, in Book 9949, Page END and bounded:

NORTHERLY by Crane Road two hundred three and 41/100 (203.41) feet;
EASTERLY by Lot 10 three hundred fifty-seven and 58/100 (357.58) feet;
SOUTHERLY by other land now or formerly of Jenks two hundred and 49/100
 (200.49) feet; and
WESTERLY by Lot 8, being land of the grantor, three hundred eighty and 55/100
 (380.55) feet;

Containing, according to said plan, 1.7 acres more or less.

Being the same premises conveyed to Robert B. Wall and Therese F. Wall by deed of Porter G. Jenks, dated July 25, 1966 and recorded with said Deeds in Book 1186, Page 251.

The said Robert B. Wall died February 6, 2002. See Middlesex Probate Docket No. 02P1546 VE and Affidavits at Book 35366, Pages 221 and 223.

Laura L. Brown
Attest, Middlesex S. Register



TOWN OF LITTLETON
BOARD OF ASSESSORS

P.O. BOX 1305
LITTLETON, MA 01460
(978) 540-2410
FAX: (978) 952-2321

Date: December 19, 2012

Re: **Certified List of Abutters for Board of Appeals (300 feet - public hearings, special permits
And/or for Variances)**

Applicant Walter Eriksen . Name of Firm Mailing Address: **92 Middlesex Rd,
Tynsgboro, MA01879**

Subject Parcel Location and Parcel ID: **R09-22-0 (TO BE DIVIDED AND NUMBERED R09-22-1)**
Subject Owner_

M.G.L. Chapter 40A, Section 11. " In all cases where notice of a public hearing is required notice shall be given by publication in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing and by posting such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of such hearing. In all cases where notice to individuals or specific boards or other agencies is required, notice shall be sent by mail, postage prepaid. "Parties in interest" as used in this chapter shall mean the petitioner, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, the planning board of the city or town, and the planning board of every abutting city or town. The assessors maintaining any applicable tax list shall certify to the permit granting authority or special permit granting authority the names and addresses of parties in interest and such certification shall be conclusive for all purposes. The permit granting authority or special permit granting authority may accept a waiver of notice from or an affidavit of actual notice to any party in interest or, in his stead, any successor owner of record who may not have received a notice by mail, and may order special notice to any such person, giving not less than five nor more than ten additional days to reply."

I hereby certify the attached list of abutter(s) as stated in the M.G.L. Chapter 40A, Section 11.

Number of Abutter(s) 16 including the subject parcel + 1 Applicant Requesting Abutter's List

Certified by:


Anita Harding, Assistant Assessor

Loc: 31 CRANE RD Parcel ID #: R09 20 1
LUC: 101

BERRY FLOYD
BERRY MURIEL V
31 CRANE RD

LITTLETON MA 01460

Loc: CRANE RD Parcel ID #: R09 21 0
LUC: 130

NOBLE CHRISTOPHER
MERRILL NOBLE
1147 LIBERTY SQ

BOXBOROUGH MA 01719

Loc: 19 CRANE RD Parcel ID #: R09 22 0
LUC: 101

THOMAS CHERIAN
THOMAS MOLLY
19 CRANE RD

LITTLETON MA 01460

Loc: 15 CRANE RD Parcel ID #: R09 24 0
LUC: 101

HOFF R. ALAN
ABLARD JENNIFER A
15 CRANE RD

LITTLETON MA 01460

Loc: 13 CRANE RD Parcel ID #: R09 25 2
LUC: 106

SAARISTO KEVIN
SAARISTO KAREN
1203 LIBERTY SQUARE RD

BOXBORO MA 01719

Loc: CRANE RD Parcel ID #: R09 25 3
LUC: 132

SAARISTO KEVIN
SAARISTO KAREN
1203 LIBERTY SQUARE RD

BOXBORO MA 01719

Loc: 16 CRANE RD Parcel ID #: R09 6 A
LUC: 101

HILSINGER NANCY L TRUSTEE OF
NANCY L HILSINGER INVSTMT TR
16 CRANE RD

LITTLETON MA 01460

Loc: 20 CRANE RD Parcel ID #: R09 6 B
LUC: 101

STALL ROBERT A

20 CRANE RD

LITTLETON MA 01460

Loc: 24 CRANE RD Parcel ID #: R09 6 C
LUC: 101

MCCURDY ALEXANDER S

24 CRANE ROAD

LITTLETON MA 01460

Loc: 28 CRANE RD Parcel ID #: R09 6 D
LUC: 101

DIMASE JOHN F W
DIMASE LOIS B
28 CRANE ROAD

LITTLETON MA 01460

Loc: 32 CRANE RD Parcel ID #: R09 6 E
LUC: 101

SCHNEIDER HOWARD A
SCHNEIDER KAREN A
32 CRANE RD

LITTLETON MA 01460

Loc: CRANE RD Parcel ID #: R09 6 F
LUC: 132

CUMMINGS CONSTANCE M TR UNDER
PETER F COOK SPPLMTL NEEDS TR
P O BOX 308

PEPPERELL MA 01463

Loc: 12 CRANE RD Parcel ID #: R09 6 N
LUC: 101

GARBERO ARMANDO

12 CRANE RD

LITTLETON MA 01460

Loc: 14 CRANE RD Parcel ID #: R09 6 O
LUC: 101

SWANSON DALE S
SWANSON LYNNE C
14 CRANE RD

LITTLETON MA 01460

Loc: 10 CRANE RD Parcel ID #: R09 6 P

LUC: 101

BERTOLINO VINCENT & MELISSA H

10 CRANE RD

LITTLETON MA 01460

Loc: 7 WILSON LN Parcel ID #: R09 8 1

LUC: 130

KIMBALL WAYNE + KIMBALL PAMELA

A/K/A PAMELA KIMBALL SMITH

154 SCITUATE ST

ARLINGTON MA 02476-7729

Applicant Requesting Abutter's List

Walter Eriksen
Applewood Construction
92 Middlesex Rd
Tyngsboro, MA 01879

BOXBOROUGH TOWN LINE



BUILDING COMMISSIONER

ZONING OFFICER

P.O. BOX 1305
LITTLETON, MA 01460
VOICE (978) 540-2420

August 16, 2012

TO: Board of Appeals

FROM: Zoning Officer, Roland Bernier

RE: Kimloch Farms
Applewood Construction

Pursuant to MGL Chapter 40A, §15, please accept the attached documents, papers and comments constituting the record of the case in which the above noted appeal is being taken.

Kimloch Farms

The applicant is seeking relief from the approved 40B comprehensive permit site plan showing a minimum distance of 18 feet between buildings # 3 Tajlea Way and #5 Tajlea Way. The minimum distance required is a derived form Fire Department regulation concerning fire flow of water in the area. See comments from the Littleton Fire Department. The present separation distance of the two noted structures is less than that that was approved in the 40B Special Permit by this Board. The applicant was instructed to seek a resolution before this Board to avoid any further delay in the construction of the project. No further comment.

Applewood Construction

The applicant is seeking relief from the provisions of §173-31 Intensity of Use Schedule. Specifically, a proposed retaining wall with an unbalanced fill of greater than 4 feet is proposed to be constructed in conjunction with a septic system design within the required setback. Pursuant to the Littleton Zoning Bylaws definition of a structure, said retaining wall must maintain the required setback as noted in §173-31 or seek a variance for setback reduction from the Littleton Board of Appeals. No further comment.



**COMMUNITY
NEWSPAPER
COMPANY**

GateHouse Media New England

Community Newspaper Co. – Legal Advertising Proof

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Order Number: CN12873397

Salesperson: Carol Hoyen

Michelle Cobleigh
Littleton Board Of Appeals
PO Box 1305
Attn: A/P Dept
Littleton, Ma 01460-4305

Title:	Littleton Independent	Class:	Legals
Start date:	1/3/2013	Stop date:	1/10/2013
Insertions:	2	#Lines:	28 ag
Price:	\$77.66		

Payment Information

Receipt#
Pmt. Type:
CC. Number: CC. Exp.:
Invoice Total: \$77.66

BOA/PUBLIC HEARING

**LEGAL NOTICE
NOTICE OF HEARING**

The Littleton Board of Appeals will conduct a public hearing on Thursday January 17, 2013 p.m. at the Littleton Town Offices, 37 Shattuck Street, Room 103 to consider the following petitions:

7:15 p.m. Case # 783A – Kimloch Farms LLC. for a modification of a 40B Comprehensive Permit at 120 Goldsmith Street.

7:30 p.m. Case # 818A – Applewood Construction Corp. for a variance/special permit under section 173-31for a proposed retaining wall at 19 CRANE ROAD

LITTLETON BOARDS OF APPEALS
Jeffrey Yates, Clerk

AD#12873397
Littleton Independent 1/3, 1/10/13