



OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

received
4/4/11 DC
11AM

Board Use Only ... Case # 790 A Filing Date 4/1/11

The undersigned, having standing in this matter, hereby petitions the Littleton Board of Appeals for a X 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:

A. Street Address 22 DEER RUN ROAD Please print
B. Assessors' Map and Parcel # U-48-3
R Zoning District Aquifer District Water Resource District
C. Deed Reference BOOK 37895, PG. 605

2. LITTLETON ZONING BYLAW SECTION(S)

A. Variance 173 INTENSITY OF USE SCHEDULE
B. Special Permit
C. Appeal

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

WE REQUEST RELIEF FROM SETBACK REGULATIONS
DUE TO HARDSHIP. PLEASE SEE ATTACHED REQUEST.

4. PETITIONER(S) JAMES A. BARISANO, KAREN D. TUCKER BARISANO

X Owner Tenant Licensee Agreed Purchaser Agent Other
NOTE: If petitioner is not the owner, furnish written authorization from owner below.

Karen Tucker Barisano 3/30/11
Signature Date
22 DEER RUN ROAD, LITTLETON
Mailing Address 01460
Telephone #
978-486-9569

Town Clerk Use ONLY

Filing Fee Paid \$ 75.00 3669
200.00 3668

Date 4/4/11

TOWN OF LITTLETON
BOARD OF APPEALS

37 Shattuck Street
P.O. Box 1305
Littleton, MA 01460
Tel: 978-486-3732



APPLICATION FOR PUBLIC HEARING

Pursuant to MGL Chapter 40A, 40B and 41 and the Littleton Zoning Bylaws

TOWN USE ONLY (OFFICIAL DATE STAMP)

Received by the Town Clerk Office

Received by the Clerk of the Board

Filing Fee paid: \$ _____

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 Town Clerk verifying payment of taxes.

Rebecca Jean Durin, Tax Collector
Signature

The undersigned hereby submits this petition for the following action:

- ☐ Appeal of Decision of Building Inspector or other administrative official
☐ Special Permit (40A)
☐ Special Permit (40B)
☒ Variance

PETITIONER (Name/Mailing Address)

JAMES A. BARISANO, KAREN TUCKER Tel: BARISANO 978-486-9569
22 DEER RUN ROAD
LITTLETON 01460
email: JIMBAR@WHEELSTV.NET

PROPERTY OWNER (include mailing address if different from petitioner)

Tel. _____

email: _____

APPLICANT'S REPRESENTATIVE (include mailing address, if different from petitioner)

Tel. _____

email: _____

FILING FEE
Residential Property \$200.
Commercial Property \$350.
Comprehensive Permit \$1000.

ZBA Case No.: _____

Littleton, MA 01460
Street Address of affected property

ASSESSOR MAP & PARCEL NUMBER U-48-3

DEED REFERENCE NUMBER BOOK 37895, PG. 605

☐ AQUIFER DISTRICT

☐ WATER RESOURCE DISTRICT

ZONING DISTRICT: (R) B IA IB

CIRCLE ALL THAT APPLY

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?

Zoning Bylaw § 173 SETBACK/INTENSITY OF USE SCHEDULE

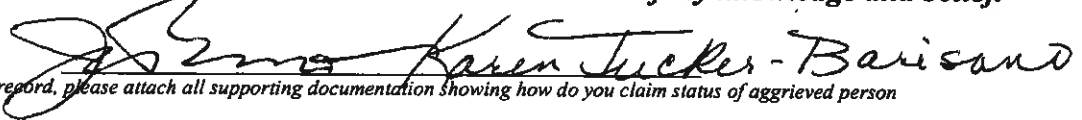
2. Why are you seeking relief from a literal enforcement of this Zoning Bylaw?

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.



If not the owner of record, please attach all supporting documentation showing how do you claim status of aggrieved person

INSTRUCTIONS FOR PETITIONERS

The original petition, with thirteen (14) complete copies, must be filed with the Town Clerk with the list of abutters obtained and certified by the Assessor's office. No appeal will be accepted unless applicable sections of this document are completely filled out (use additional sheets if necessary) with a written statement which details the basis for your petition accompanied with the filing fee payable to the Town of Littleton. Failure to pay the filing fee, answer all questions or file a complete appeal shall constitute sufficient grounds to reject or deny the appeal.

Special Permit 40B

Under MGL c. 40B

The undersigned hereby petitions the Board of Appeals for the Town of Littleton to grant a Comprehensive Permit pursuant to MGL c. 40B

1. You are ☐ a public agency, ☐ non-profit organization, ☐ limited dividend organization known as

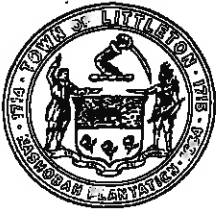
2. Mandatory attachments with this application are the *Project Eligibility Letter, Evidence Of Site Control, Preliminary Drawings, Building Tabulation, Utilities Plan, Requested Exemptions, and a Site or Subdivision Plan.* See SUPPLIMENT INSTRUCTIONS SPECIAL PERMIT 40B available at the Building Department.

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.

If not the owner of record, notarized authorization signed by the owner documenting your authority to represent the petition

INSTRUCTIONS FOR PETITIONERS

The original application for Comprehensive Permit, with thirteen (14) complete copies, must be filed with the Town Clerk with the list of abutters obtained and certified by the Assessor's office. No application will be accepted unless applicable sections of this document are completely filled out (use additional sheets if necessary) with all accompanying plans and/or documents and accompanied with the filing fee payable to the Town of Littleton. Failure to pay the filing fee, answer all questions or file a complete application shall constitute sufficient grounds to reject or deny the application.



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LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

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4. PETITIONER(S) JAMES A. BARISANO, KAREN D. TUCKER-BARISANO

X Owner _____ Tenant _____ Licensee _____ Agreed Purchaser _____ Agent _____ Other _____

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

[Signature] Karen Tucker-Barisano 3/30/11
Signature Date

22 DEER RUN ROAD, LITTLETON
Mailing Address 01460

Telephone #
978-486-9569

Town Clerk Use ONLY

Filing Fee Paid \$ _____

Date _____

March 30, 2011

REQUEST TO THE LITTLETON BOARD OF APPEALS FOR A VARIANCE

James A. Barisano and Karen D. Tucker-Barisano, as Trustees of The Barisano Family Nominee Trust, respectfully request a variance from the minimum Side, Rear Setbacks for an Accessory Building at 22 Deer Run Road.

The main house is situated on the lot such that an attached garage is not possible. The main house and septic system with leaching field occupy all but the portion of the 1/3 acre lot on which we would like to construct a two car garage and winter storage area per the attached plans.

One corner of the planned garage is within 8 feet, 4 inches of the lot line and common driveway owned by Dana and Betsy Reid and another corner of the planned garage is within 2 feet of the lot line and driveway owned by John and Jane Millard.

We believe and ask your concurrence that literal enforcement of the provisions of the Intensity of Use Chapter as it pertains to setbacks of Accessory Buildings would involve a substantial hardship, financial or otherwise, 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 the Chapter for the following reasons:

- Due to the topography of the land and placement of the house, septic system and leaching field on the lot, the only place on which a garage can be built is the proposed location.
- That owing to the fact that the lot abuts common roadways and driveways, with no residences in the immediate area, that the location of the structure will not negatively affect the zoning district in which it is located.
- That the garage will enhance the overall appearance of the area by eliminating a temporary structure that has been repeatedly damaged by snow.
- That the proposed garage will sit in proximity to a neighboring garage of approximately the same size.
- That the area is rural in nature and neighboring residences are a substantial distance from the site of the proposed garage.

Please see enclosed aerial photographs.

The petitioners are currently in their 60's. Mr. Barisano has a heart condition and is under a doctor's care. Keeping their vehicles out in the winter weather has placed significant strain upon both petitions' physical abilities. Additionally, storage of summer outdoor furniture has been problematic in that a tent structure used for storage has been collapsed by heavy snow in two of the past three winters. The garage will act as a storage area for both the petitioners' vehicles and outdoor furniture.

Respectfully submitted,

James A. Barisano and Karen D. Tucker-Barisano



**TOWN OF LITTLETON
BOARD OF ASSESSORS**

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

Date: March 23, 2011

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

Subject Parcel Location: **22 Deer Run Road**

Subject Parcel Map & Parcel No.: **U48 3 0**

Subject Parcel Owner (s): **James A Barisano III and Karen D Tucker-Barisano Trustee of
Barisano Family Nominee Trust**

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) 10 + Forge Pond and including the subject parcel.
(Lake Matawanake)

Certified by:

Lorraine Freitas, Assessment Analyst

Loc: OFF GREAT RD Parcel ID #: R19 9 0
LUC: 717

MATHESON FRANK W
MATHESON EUNICE
591 GREAT RD

LITTLETON MA 01460

Loc: 20 DEER RUN RD Parcel ID #: U48 1 0
LUC: 101

PORTANOVA EUGENE
PORTANOVA ROSEMARY
219 HUNNEWELL ST

NEEDHAM MA 02494

Loc: DEER RUN RD Parcel ID #: U48 12 0
LUC: 106

WOODLANDS COMMUNITY ASSOCIATIO
ACTON TRUST 1
P.O. BOX 718

LITTLETON MA 01460

Loc: 18 DEER RUN RD Parcel ID #: U48 2 0
LUC: 101

MILLARD JANE L

18 DEER RUN RD

LITTLETON MA 01460

Loc: 22 DEER RUN RD Parcel ID #: U48 3 0
LUC: 101

BARISANO III JAMES A + KAREN D
TUCKER-BARISANO TR OF BARISANO
22 DEER RUN ROAD

LITTLETON MA 01460

Loc: 24 DEER RUN RD Parcel ID #: U48 4 0
LUC: 101

HARTZEL ROBERT M
GOODWILL DONNA M
24 DEER RUN ROAD

LITTLETON MA 01460

Loc: 26 DEER RUN RD Parcel ID #: U48 5 0
LUC: 101

GILPATRICK MARY FRANCES

8 ROBINWOOD ROAD

LITTLETON MA 01460

Loc: 16 DEER RUN RD Parcel ID #: U48 51 0
LUC: 101

HARPER NANCY E
REED DANA S
16 DEER RUN RD

LITTLETON MA 01460

Loc: 28 DEER RUN RD Parcel ID #: U48 6 0
LUC: 101

MCDONOUGH EDEN R SALTO
MCDONOUGH ROBERT F
28 DEER RUN RD

LITTLETON MA 01460

Loc: 16 A DEER RUN RD Parcel ID #: U49 37 0
LUC: 101

PORTANOVA, EUGENE L, ROSEMARY,
KEITH, AND JASON
219 HUNNEWELL ST

NEEDHAM MA 02494

FORGE POND (LAKE MATAWANAKEE)



2007 08160792
 Bk: 50011 Pg: 288 Doc: DEED
 Page: 1 of 2 08/28/2007 11:55 AM

Quitclaim Deed

We, **JAMES A. BARISANO, III and KAREN D. TUCKER-BARISANO** of 22 Deer Run Road, Littleton, Middlesex County, Massachusetts

in consideration of **LESS THAN ONE HUNDRED and 00/100 (\$100.00)** Dollars

grant to **JAMES A. BARISANO, III and KAREN D. TUCKER-BARISANO, TRUSTEES of THE BARISANO FAMILY NOMINEE TRUSTEE** dated January 2, 2007 and recorded with said Deeds herewith with Quitclaim covenants

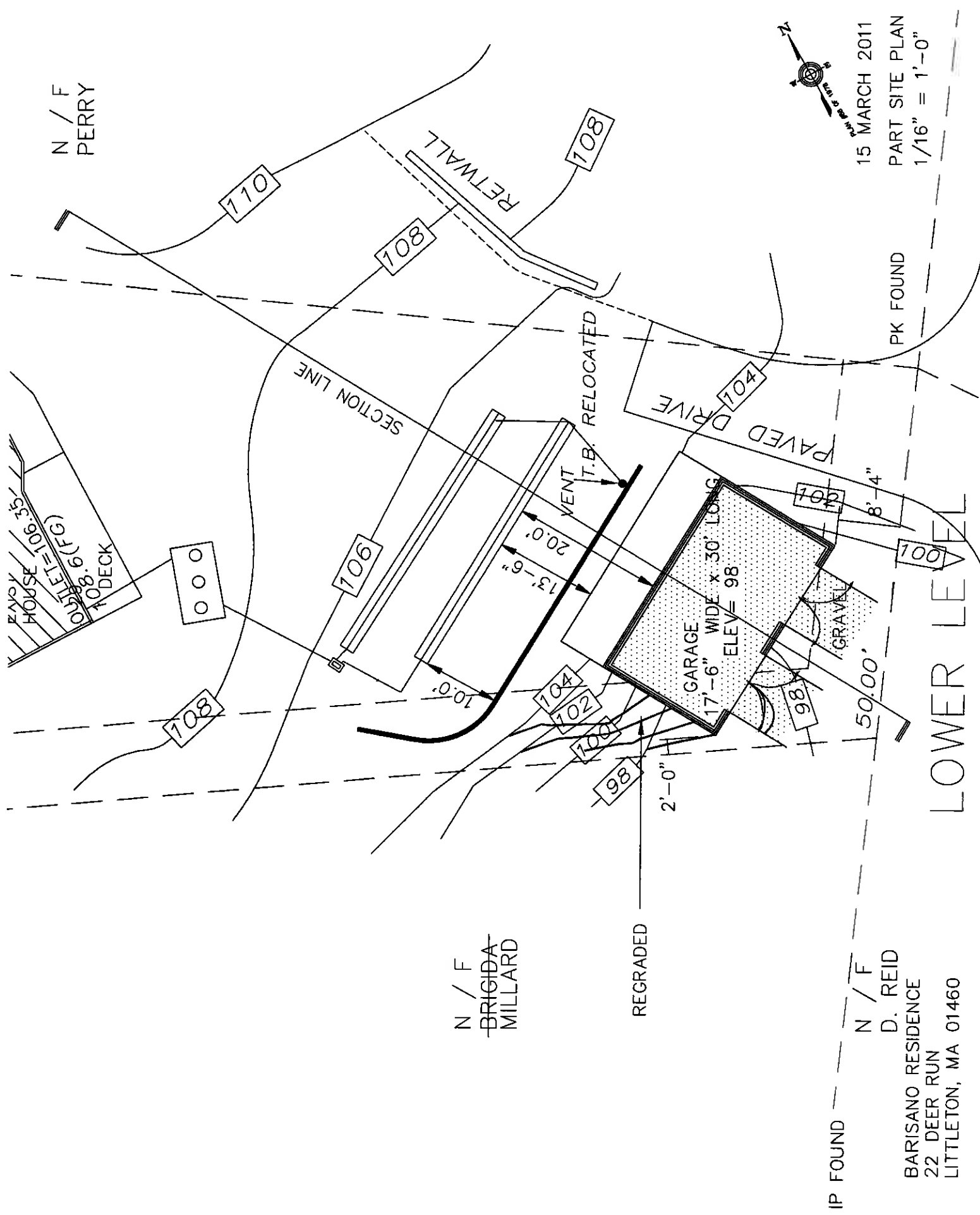
All of my right, title and interest in that certain parcel of land with the buildings thereon known as and numbered 22 Deer Run Road, situated in Littleton, Middlesex County, Massachusetts, on the Southerly shore of Forge Pond, so-called, bounded and described as follows:

Beginning at the Southeasterly corner of the premises at a stone bound at land now or formerly of McGranahan and at land now or formerly of Hannah Parsons; thence running Northwesterly by said McGranahan's land about two hundred fifteen (215) feet to a stone bound at the shore of said pond; thence running Southwesterly by the shore of said pond ninety (90) feet to a point now or to be hereafter marked by a stone bound; thence running Southeasterly by other land now or formerly of Jennie McGranahan to said land of said Parsons at a point fifty (50) feet to the point of beginning. Said premises being the Easterly portion of lot numbered eighteen as delineated upon a plan entitled ("Plan of Lots situated in North Littleton on the Southerly shore of Forge Pond mostly West of its central line, Surveyed for Wilbert E. Parsons A.D. 1900 & 1901, Scale of 50 feet to an inch. T.E. Symmes, Surveyor,") recorded with the Middlesex South District Registry of Deeds in Plan Book 140, Plan 20, together with the right in common with others of using and enjoying the right of way set forth in deeds of record.

Subject to all easements, agreements, restrictions and encumbrances of record insofar as the same are in force and applicable.

For title see Deed from James A. Barisano, III to James A. Barisano, III and Karen D. Tucker-Barisano dated November 3, 2004 and recorded with the Middlesex South Registry of Deeds at Book 44048, Page 172.

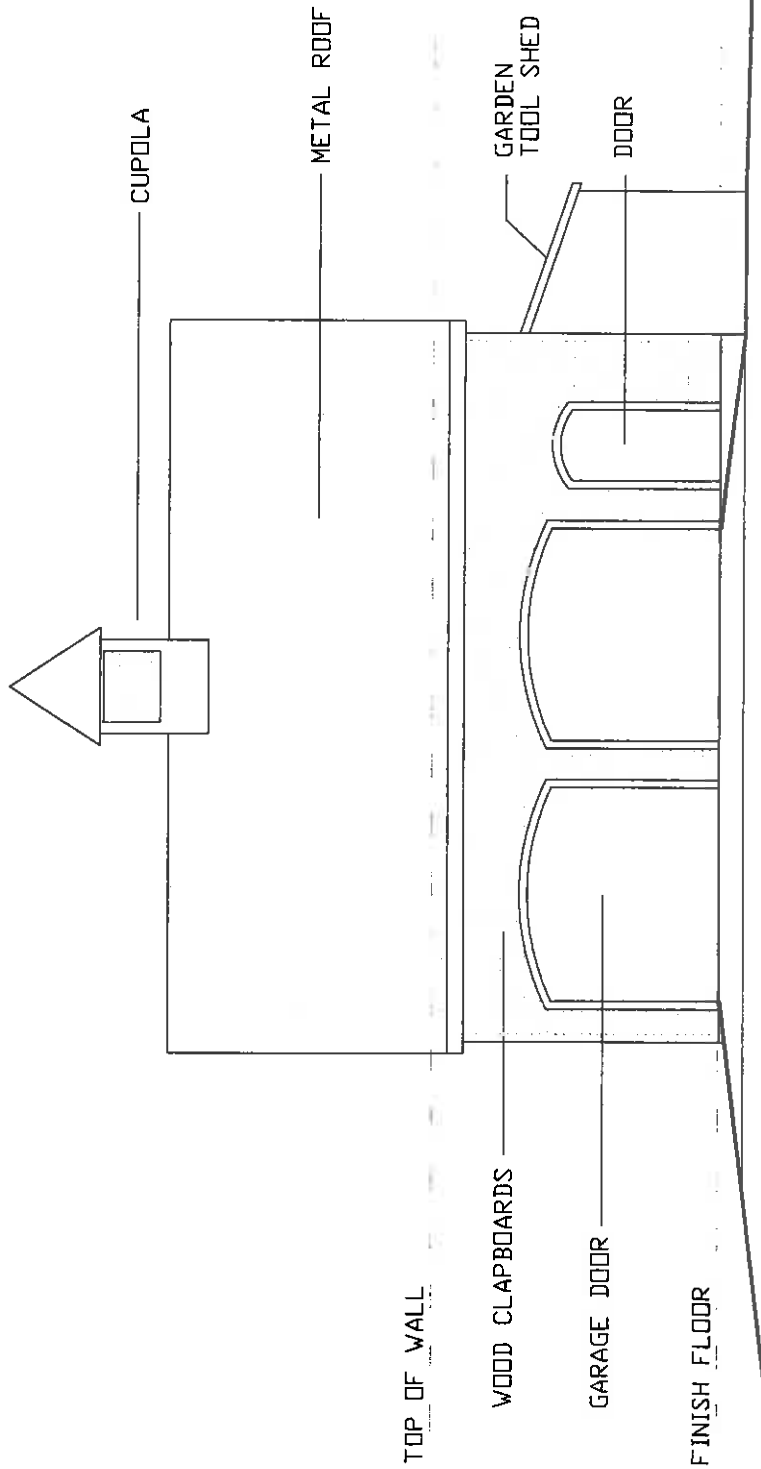
Return to: Cathleen H. Summers, Esq.
 Summers, Summers & Associates, P.C.
 P.O. Box 724
 Acton, MA 01720



15 MARCH 2011
 PART SITE PLAN
 1/16" = 1'-0"

IP FOUND
 N / F
 D. REID
 BARISANO RESIDENCE
 22 DEER RUN
 LITTLETON, MA 01460

LOWER LEVEL

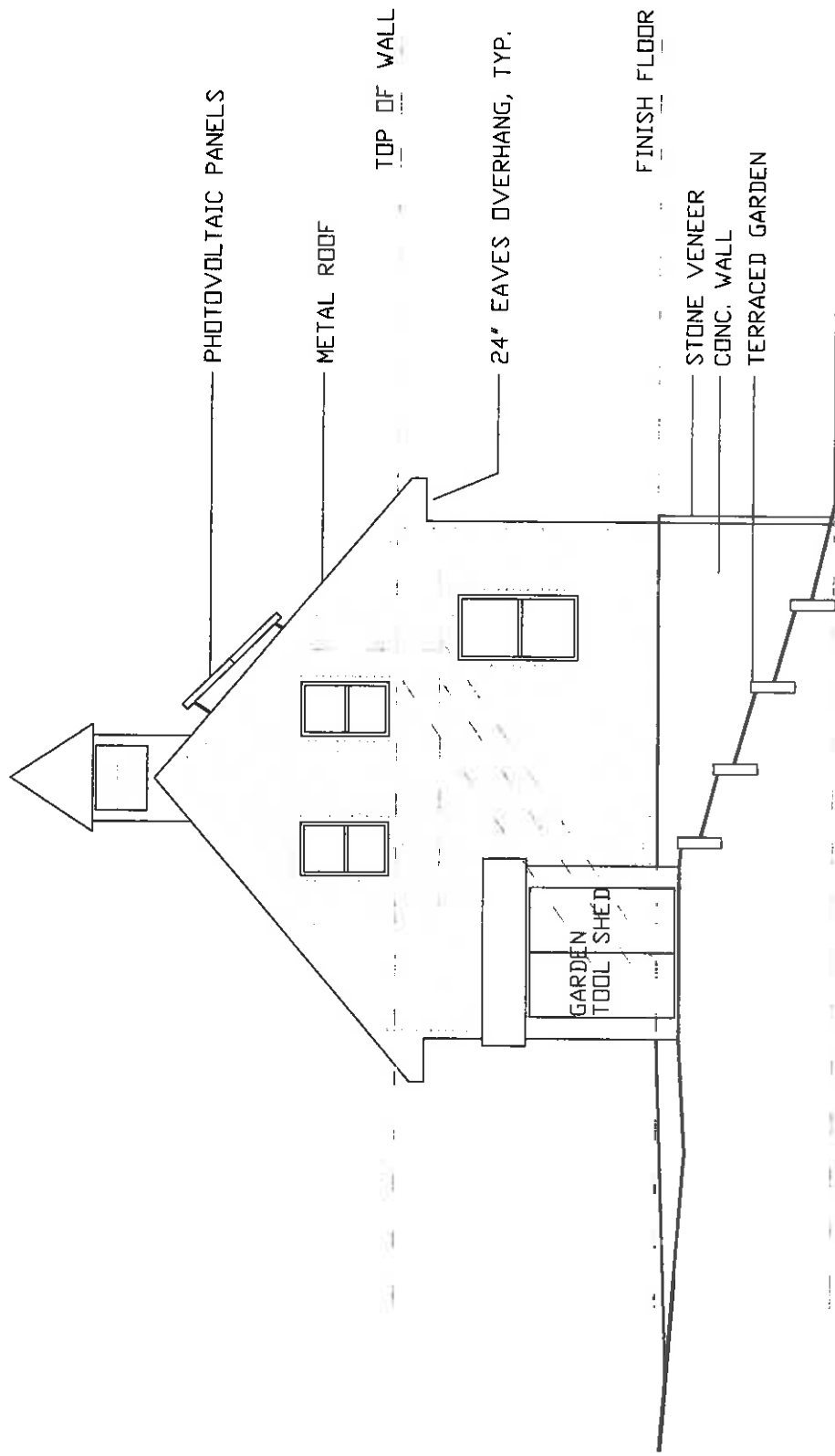


FRONT ELEVATION

PROPOSED GARAGE
JAMES BARISANO
22 DEER RUN
LITTLETON, MA

DRAWN BY BARTLETT HARVEY, 146 MILL ROAD LITTLETON 978 486 8889, C 978 501 2357

PRELIMINARY
1/8" = 1'-0"
21 MARCH 2011
10.12



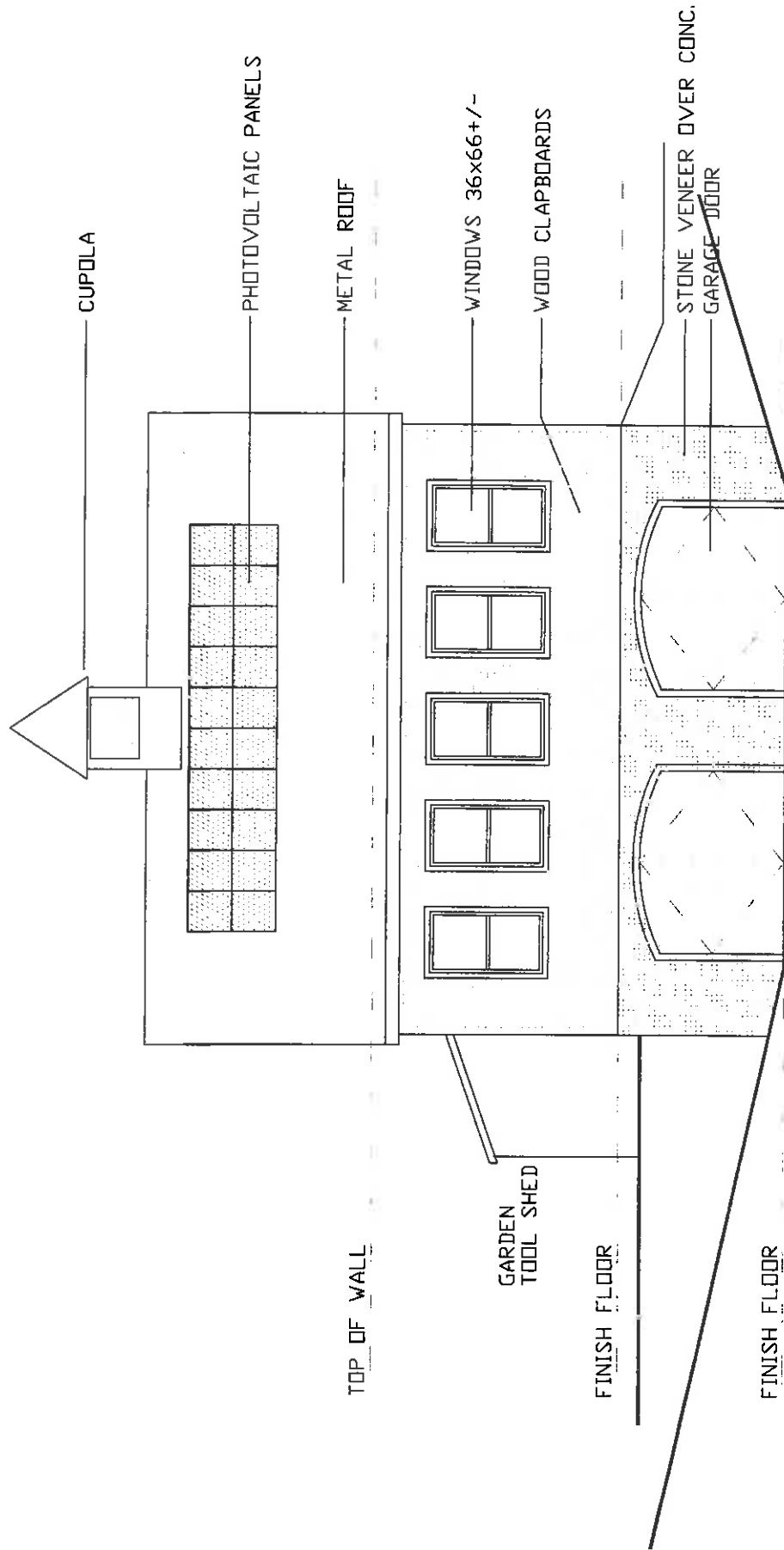
RIGHT END ELEV

10:12 Roof

PROPOSED GARAGE
JAMES BARISANO
22 DEER RUN
LITTLETON, MA

DRAWN BY BARTLETT HARVEY, 146 MILL ROAD LITTLETON 978 486 8869, C 978 501 2357

PRELIMINARY
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21 MARCH 2011
10:12

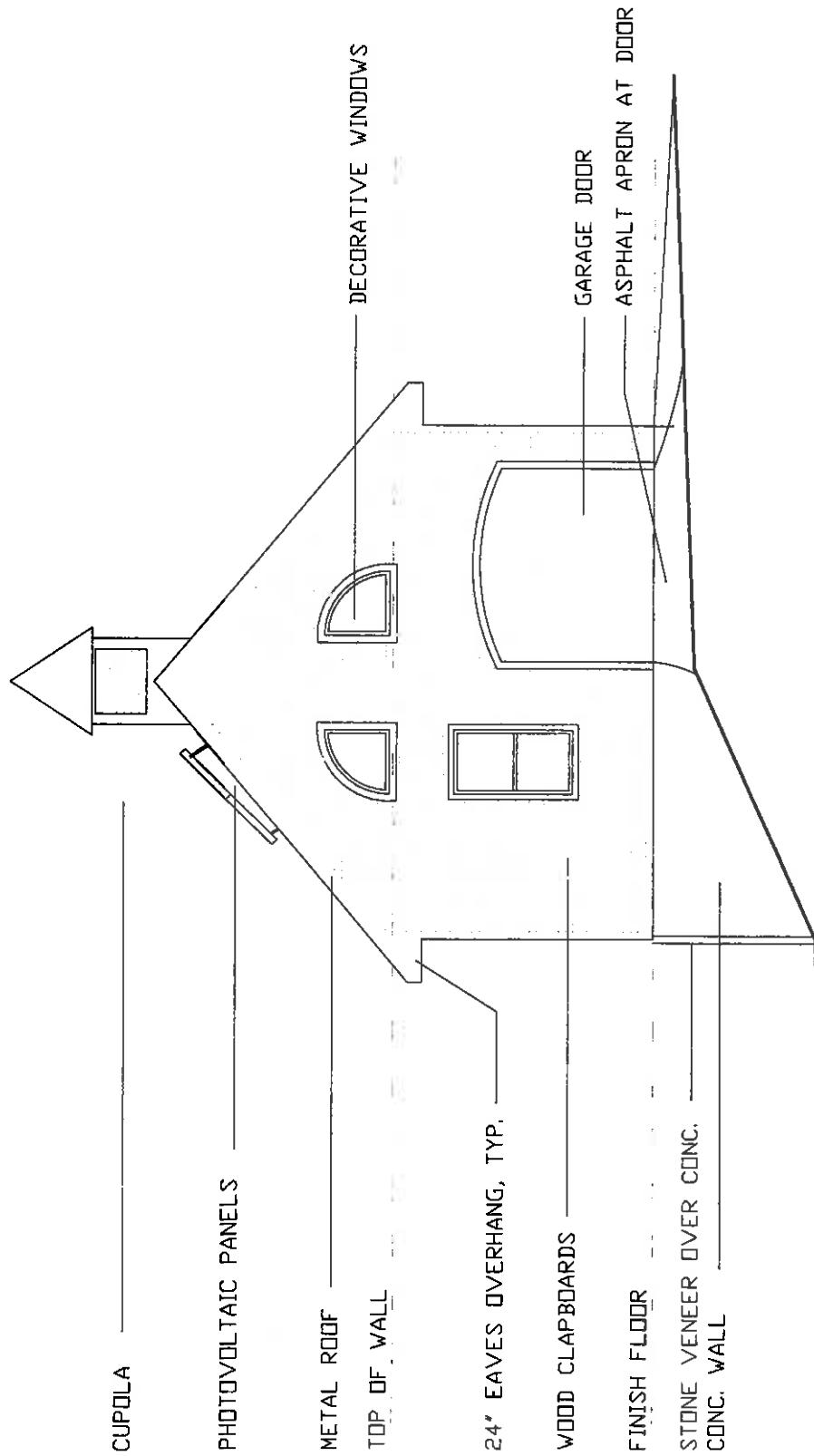


REAR ELEV

PROPOSED GARAGE
 JAMES BARISANO
 22 DEER RUN
 LITTLETON, MA

DRAWN BY BARTLETT HARVEY, 146 MILL ROAD LITTLETON 978 486 8889, C 978 501 2357

PRELIMINARY
 1/8" = 1'-0"
 21 MARCH 2011
 jo:12



LEFT END ELEV

PROPOSED GARAGE
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 LITTLETON, MA

DRAWN BY BARTLETT HARVEY, 146 MILL ROAD LITTLETON 978 486 8889, C 978 501 2357

PRELIMINARY
 1/8" = 1'-0"
 21 MARCH 2011
 10/12

7

