



OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

received

1/30/2020

7:30 pm

Please Copy

Petitioner: James Williamson
Property Address: 11 Samoset Trail
Case No: 938A
Date Filed: November 15, 2019

The Littleton Board of Appeals conducted a public hearing on January 16, 2020, at 7:30 P.M., continued from December 19, 2019, at the Shattuck Street Municipal Building, Shattuck Street, Littleton, for a Variance pursuant to Section 173-31, to front yard setback to allow steps and an entry within the required setback at 11 Samoset Trail, Littleton, Ma. Notice of the hearing was given by publication in the Littleton Independent, a newspaper circulated in Littleton, on November 29, and December 6, 2019, and by mail to all abutters and parties in interest. Present and voting: Cheryl Hollinger, Acting Chair, Marc Saucier, and Rod Stewart, Members and Kathleen O'Connor, and John Sewell, Alternates. Present and not voting was John Field.

The Petitioner presented a request for a variance from the setback requirements of the Littleton Zoning Bylaw to allow for an entry landing and stairs to the newly constructed home at 11 Samoset Way, Littleton, Ma. The Petitioner had the lot approved for building as a "grandfathered" lot which has a lot size significantly less than the 1 acre minimum. When he commenced construction, it was determined that due to grades on the lot, there would be substantial fill and possible runoff from regrading the house without obtaining a variance. The Assistant Zoning Enforcement Officer obtained information from Town Counsel that because the lot was grandfathered, petitioner was able to build under the zoning requirements effective in 1945 which allowed for a front setback of 15 feet rather than the current zoning setback of 30 feet, however, Petitioner and his engineers failed to account for the grades when the house was placed on the lot. Further, due to the small size of the lot, there were not a lot of options for different placement.

At the time the variance was requested the house was completely framed and roofed. The Petitioner explained that the landing and stairs would encroach into the 15 foot setback and he was seeking a variance to allow the encroachment for only landing and stairs to be within inches of the front lot line.

Several abutters appeared in opposition to the proposal and it was explained to the Petitioner that a variance was not appropriate with a self imposed hardship. The Building Department opined that a granite landing at the foot of the stairs and another to the driveway would not require a variance.

The case was continued for the Petitioner to meet with abutters to determine if they wanted input to a resolution which would satisfy their concerns about drainage and runoff. At the continued hearing, it was generally agreed by the abutters and the Board that allowing the landing and stairs would provide a less intrusive solution to the situation, that the encroachment was preferable to a substantial grade alteration and that granite landings and steps were not very

different than the proposed variance. The Board required the Petitioner to reduce the scope of the variance, however, by reducing the proposed landing size.

FINDINGS: The Board made the following findings:

1. The lot satisfied the requirements as a unique lot in size and topography.
2. The literal enforcement of the bylaw, would be less desirable and more detrimental to the neighborhood than the proposal.
3. The landing when reduced will not effect the neighborhood generally.

DECISION: The Board voted unanimously to GRANT a Variance pursuant to Section 173-31 of the Town of Littleton Zoning Bylaws, for a Variance to allow a reduced front setback at 11 Samoset Trail, solely to permit a stairwell and landing within the required 15 foot setback and no closer to the street frontage than 12 feet.

Appeals, if any, shall be made pursuant to M.G.L. C. 40A, Section 17 and shall be filed within twenty (20) days after the date of filing of this Decision in the office of the Town Clerk.

The Variance 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.

If the rights authorized by this Variance are not exercised within one (1) year from the date of granting it shall elapse in accordance with the provisions of M.G.L. C. 40A Section 10.

Signed: Marc Saucier Marc Saucier, Clerk

Date: 1/30/2020

Book: 72698, Page: 595

I hereby certify that twenty (20) 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: _____ *Print name* _____
Town Clerk, Littleton, Massachusetts

Date: _____