



OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

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Petitioner: TIM BAILLIO

Case No: 22-963

Date Filed: August 24, 2022

The Littleton Board of Appeals conducted a public hearing on September 15, 2022 at 7:20 P.M. at the Shattuck Street Municipal Building, 37 Shattuck Street, Littleton, for a Variance pursuant to Section 173-31, of the Littleton Zoning Code, to allow a structural support wall to be placed within the side setback at 7 Whitetail Way, Littleton, Ma. Notice of the hearing was given by publication in the Lowell Sun, a newspaper circulated in Littleton, on September 1, and September 8, 2022, and by mail to all abutters and parties in interest. Present and voting: Sherrill R. Gould, Chairperson, Cheryl Hollinger, Rod Stewart, John Sewell and John Field, Members.

The Petitioner presented a proposal to erect a retaining wall in his back yard to provide a level play area for two young children. He described that his lot currently slopes down steeply into the woods approximately 15 feet from the rear of the house, making the back yard limited for a meaningful play area and a safe location for swing sets and other children's activities. The lot is approximately 1 acre in size. The house is set back on the lot with the front yard area taken up by septic system. The proposed retaining wall would be set within 2 feet of the side setback bordering 5 Whitetail Way and will be built from ground level near the house location to about 12 feet at its highest point. The wall will be built of interlocking block requiring no maintenance and will have a safety fence as required by the building code. The area between the lot line and the wall is mostly natural scrub brush and is not intended to be mowed, but will be kept in a natural, trimmed state. The petitioner supported his argument that the lot was unique in showing detailed plans of the steep grade change, and he presented the argument that any effort to increase the setback would be more detrimental to the neighborhood since it would create an unruly buffer between the lots containing weeds and overgrowth which would be difficult to maintain.

One abutter, the owner of the affected lot at 5 Whitetail Way, appeared and wrote a letter in support of the proposal.

FINDINGS: The Board found that the lot was unique due to the elevation changes and the lack of a meaningful yard area, and that it would create a hardship for the family if they could not accommodate a safe play area for their children. Further, that the desired relief was not detrimental to the neighborhood and would not substantially derogate from the intent of the zoning bylaw.

DECISION: The Board voted 4 in favor, one abstaining to GRANT a Variance from Section 173-31 to allow the construction of a retaining wall, substantially as shown on plans presented to the Board, no closer to the side lot line than two feet, with the brush and green plantings between the wall and the lot line to be kept in an orderly condition.

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

Signed: 

JOHN SEWELL, CLERK

Date: September , 2022

Book: 74929, Page 235.

I hereby signify 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: _____ Town Clerk, Littleton, Massachusetts