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OFFICE OF THE
LITTLETON BOARD OF APPEALS
 LITTLETON, MASSACHUSETTS 01460

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Petitioner: CHARLES ELLIS
 Case No: 25-977
 Date Filed: June 12, 2025

The Littleton Board of Appeals conducted a public hearing on July 16, 2025, at 7:10 P.M. at the Shattuck Street Municipal Building, 37 Shattuck Street, Littleton, for a Variance or Special permit pursuant to Section 173-27 to divide the lot shown on Assessor's Map U-10 58-0 into two separate lots, one of which will be combined with and annexed to the abutting lot at 32 Lochslea Road, and the other to be combined with and annexed to the abutting lot at 16 Elizabeth Street, with the result that 16 Elizabeth Street will become a conforming lot and 32 Lochslea Road will become less non-conforming. Notice of the hearing was given by publication in the Lowell Sun, a newspaper circulated in Littleton, on July 3 and July 10, 2025, and by mail to all abutters and parties in interest. Present and voting: Sherrill R. Gould, Chairman, Cheryl Hollinger, Vice Chairman, John Sewell, and Rod Stewart, Members.

The Petitioner, together with his representative, Bruce Ringwall, from Goldsmith, Prest & Ringwall, Inc., presented the application. Petitioner owns what appears to be three contiguous abutting lots which are bounded on the East by Elizabeth Street, a way to which the public has a right of access. The three lots are, from north to south:

1. 32 Lochslea Road, a pre-existing non-conforming lot which predates zoning and is improved with a dwelling unit. It has frontage on Lochslea Road and Elizabeth Street. It contains approximately 13,434 s.f. and is known and numbered 32 Lochslea Road.
2. 0 Elizabeth Street. This is vacant land consisting of approximately 26,296 s. f. It is shown on Assessors' map U-10 58-0. It is contiguous to and southerly of 32 Lochslea Road. When originally created by a plan in 1955, this land was comprised of two parcels namely, Lot 56 to the north and Lot 55 to the south. Recently, the property at 32 Lochslea Road needed a septic upgrade, and Petitioner located a new septic system beneath the surface of the northerly portion, ie: Lot 56.
3. 16 Elizabeth Street, a preexisting non-conforming lot which predates zoning and is improved with Petitioner's dwelling house. It has frontage along Elizabeth Street and contains approximately 1.33 acres. It is bisected by the road layout of Elizabeth Street, but Elizabeth Street has been improved only to its terminus within 16 Elizabeth Street, with a cul de sac. The pavement of the cul de sac exceeds the road layout.

The Petitioner would like to construct a garage for the home at 16 Elizabeth Street, but due to the soil, shape and topography of the lot, as well as the improvements for road layout and the location of the septic system, the best area for a garage would be the southerly portion of 0 Elizabeth Street, namely Lot 55, and it would be advantageous for Lot 56, already improved with a septic system serving 32 Lochslea to be annexed to 32 Lochslea.

The Petitioner proposed to divide 0 Elizabeth Street into the two originally created lots, 55 and 56, with the southerly portion, namely 55 being annexed to 16 Elizabeth Street, and the northerly portion, namely 56 being annexed to 32 Lochslea Road. The result would be that 16 Elizabeth Street will have additional land area and will be a conforming lot, and 32 Lochslea Road will have additional land area and be less non-conforming. A variance is required under Zoning Code Section 173-27.

Several abutters appeared to question the petition, primarily due to the fact that there are drainage structures in the right of ways shown as Elizabeth Street and Linda Street to the south on the original plan, that there is a history of use of the rights of way as walking trails and because there appears to be a drainage pipe on the property at 16 Elizabeth Street, which the town has accessed for maintenance over the years, notwithstanding that it is on private property. Petitioner answered all of the questions and demonstrated that water runoff and the drainage structures were diverting the water north along Elizabeth Street toward Lochslea Road, and there was no indication that the construction of a garage on the portion of 0 Elizabeth Street shown as 55 would impact water runoff or the water table. He further assured that there was no intention to impair the rights of way enjoyed in the "paper" streets shown on the maps, and that he would continue to permit access to the drainpipe on his land for maintenance of that pipe. Petitioner also graciously offered to convey to the Town, the paved portion of the cul de sac which currently exceeds the area depicted on the recorded plans, and he offered to install a drip edge on the eve side of the new garage to catch any waster from roof runoff.

The hearing was closed.

FINDINGS: The Board found that the Petitioner satisfied the criteria for hardship based upon the unusual lot configuration, and the fact that the property is burdened by the layout of Elizabeth Street and the location of the septic system. The Board found that the garage could be built upon the land across the paper street from the house since the law provides that petitioner owns both parcels and that the proposed garage would not be a substantial detriment to the public good, nor derogate from the intent and purpose of the zoning bylaw.

DECISION: The Board voted unanimously to GRANT a Variance from Section 173-27 to allow the division of 0 Elizabeth Street into two lots as proposed, each of which to be added to the abutting land upon the following conditions:

1. Original Lot 56 is to be added to and annexed to 32 Lochslea Road, to form one non-conforming lot. Original Lot 55 is to be added to and annexed to 16 Elizabeth Street to form a second conforming lot. Petitioner is to prepare and record a plan pursuant to MGLA Chapter 140, Section 81P, which will show two resulting new lots.
2. The proposed garage may be built in the location substantially as shown on the plans presented by the Petitioner with this application, and Petitioner is to install a drip edge with stone trench on the eve side for mitigation of any water runoff.
3. Petitioner, and successors, will continue to allow Town access onto the property at 16 Elizabeth Street to allow for perpetual maintenance of the pipe by the Town.

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: July 22, 2025

Book: 40599, Page 81

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