

DRAFT

LITTLETON VILLAGE OVERLAY DISTRICT WEST: Beaver Brook Area (LVOD-B)

For this section, MAPC considered changes to zoning that would allow for the additional uses (rather than an overlay), but these changes would have allowed these additional uses town-wide in this Industrial A zoning, and this was not deemed desirable. Therefore we have written this as an overlay district. This Overlay district is smaller than shown mapped at the public hearing, to remove areas that could have more impact on abutting residential uses. Also, since this area is entirely within the Aquifer portion of the Aquifer and Water Resource zone, there is language to address the implications of development within this area (and the interaction of this bylaw with the Aquifer and Water Resource Overlay Districts)

[1.0] Purpose and Intent

a) There is hereby established a Littleton Village Overlay District West – Beaver Brook Area zoning by-law. The benefits and obligations of the zoning by-law shall accrue only to proposals for development on those parcels located entirely within the boundary of the Littleton Village Overlay District West – Beaver Brook Area zoning by-law.

b) The Littleton Village Overlay District West – Beaver Brook Area is intended to apply only to those portions of the Industrial A District (I-A) and the Industrial B District (I-B) shown on the attached map entitled “Littleton Village Overlay District West – Beaver Brook Area” and generally described as west of the Village. **NOTE:** The exact boundaries to be determined prior to final edition of this bylaw.

c) The Littleton Village Overlay District West – Beaver Brook Area is established to promote:

- economic development while remaining sensitive to environmental impacts;
- building reuse and appropriate infill development;
- innovative and sustainable building and site design.
- efficient use of land within the Town;
- integrated physical design and synergies between activities;
- changes in types of industrial uses
- pedestrian-friendly working environment;
- a range and balance of commercial uses and retail uses, coordinated through a master plan process

[2.0] Authority

a) The Littleton Village Overlay District West – Beaver Brook Area shall not restrict the rights of owners that choose to develop any lot pursuant to an underlying zoning district. However, if the owner selects to use Littleton Village Overlay District West – Beaver Brook Area for development purposes, the development shall conform to all applicable requirements of this by-law, including the requirements of any regulations or guidelines that may be developed to

support this by-law. Furthermore, it is understood that, for the purpose of analysis under M.G.L. Ch. 40A s.3, there are uses that are allowed as a matter of right and exempt from the provisions of the Littleton Village Overlay District West – Beaver Brook Area by-law and the underlying zoning districts.

b) Where a development is subject to a Special Permit application pursuant to this by-law, and where provisions of this by-law refer to the provisions of any other section of the Littleton zoning by-law and there is a conflict between these provisions, the provisions of this by-law shall prevail.

c) For all purposes pursuant to Section 2.0 of this by-law, the Planning Board is hereby designated as the Special Permit Granting Authority (SPGA). All Special Permit applications made pursuant to this by-law shall conform to the requirements of this by-law and all applicable Administration and Procedures in the current Littleton zoning by-law (Section 173-3 thru 173-12

d) The Planning Board may adopt regulations for the implementation of this by-law, including, but not limited to design guidelines that support the Littleton Village Overlay District West – Beaver Brook Area design standards.

[3.0] Master Planned Developments Pursuant to Section 173-89

To further the purposes of the Littleton Village Overlay District West-Beaver Brook Area, applications for projects may be submitted as Master Planned Developments under Section 173-89 of the Littleton zoning by-law. For purposes of this section, development projects of less than 25 acres may apply for Master Plan approval and special permit. All other provisions of Section 173-89 shall apply to development applications submitted under this section.

[3.1] Uses Allowed as part of a Master Planned Development

Any by-right and special permit uses allowed in **either** Industrial A or Industrial B may be permitted anywhere in a project submitted as a Master Planned Development in this Overlay Zone.

(Note: Housing was removed from this list of uses because it is a large producer of wastewater in an area limited by wastewater flow (the Aquifer District) See the Alternative Scenarios produced by MAPC for the 43D Transportation analysis. Housing could be included in the Village Overlay District A, since this is outside of the Aquifer area)

Note: Special permit uses under Overlay District could therefore include additional uses such as:

- *theater (and other indoor and outdoor entertainment venues),*
- *retail (beyond the limited retail allowed in underlying zoning), and also*
- *hotel*

[3.2] Concurrent Review and Granting of Special Permits

Applications for Special Permits pursuant to Article 14, Aquifer and Water Resource Districts, and Article 18, Major Commercial or Industrial Use may, at the applicant's option, be submitted and be reviewed concurrently as part of the Master Planned Development approval process. Any Special Permit deemed to be required by Section 3.1, above, may also be reviewed as part of the Master Planned Development approval process. If the developer chooses not to file these applications for concurrent review, these applications for permits must be filed later if needed.

[3.3] Concept Plan Approval

Pursuant to Section 173-87, Town Meeting approval for retail use equal to or more than 60,000 square feet gross floor area for a Major Commercial or Industrial Use **is required**.

[3.4] Plan Approval

The Planning Board, as SPGA, shall issue a consolidated Master Planned Development Special Permit if it finds the conditions for approval, as outlined in Section 173-89 and 173-88B have been met. This permit approval will include approval of a schematic development plan as well as the proposed mix of uses in the development. The consolidated permit shall include all other required special permits as noted in Section 3.21 above.

[3.5] Site Plan Review

Site Plan Review, pursuant to Article 4, is required for projects as applicable, that have received Master Planned Development special permits. A sufficiently detailed plan, meeting all of the requirements in Article 4 may, at the applicant's option, be submitted for review and approval at the same time as the Master Planned Development application.

[4.0] Adult Use Establishments

Adult Use Establishments are forbidden in the Littleton Village Overlay District West – Beaver Brook Area.

[5.0] Relationship to Aquifer and Water Resource District

The entire Littleton Village Overlay District West – Beaver Brook Area is within the Aquifer District or within the Water Resource District. Within the Aquifer District, the total potential site coverage is limited to 30% by Special Permit. The following language is designed to allow for redevelopment of sites within the Aquifer District that currently exceed the 30% limitation; without this language there is less chance that these sites would redevelop, because they would be subject to a lower site coverage. This language also allows for "clustering of development" with higher density on some lots in exchange for lower density on others within the district.

5.1] Site Coverage

- a) Unless otherwise specified in this Littleton Village Overlay District West – Beaver Brook Area by-law, the maximum impervious site cover shall be limited to 30 percent of the total lot area in the Aquifer District and fifty percent in the Water Resource District (pursuant to the Aquifer and Water Resource portion of the Littleton Zoning Bylaws -

section XIV). For the purposes of this by-law, site cover shall include all impervious surfaces such as parking and building coverage;

- b) The Planning Board, by special permit, may allow a development proposed pursuant to this by-law to develop to the same percent lot coverage as the existing impervious site cover on a lot, even if this is greater than 30% of the total lot area, provided that:
 - i) the development incorporates current MA Department of Environment Protection (DEP) best management practices for storm water management, and in particular, storm water quality control as well as practices outlined in the *Town of Littleton Low Impact Design/Best Management Practices Manual*; AND
 - ii) there is no net increase in impervious site coverage.
- c) The Planning Board may allow a development proposed pursuant to this by-law to increase the existing impervious site cover on a lot, even if this is greater than 30% of the total lot area, provided that:
 - i. The applicant removes impervious site coverage on another site that is within the Zone II to enable ground water recharge on this site. The offsite ground water recharge area shall be equal to or greater in area than the proposed impervious site cover, or obtains an easement such that a separate lot shall give up the right to make impervious a portion of its 30% potential for impervious cover. A restriction to be filed.
 - ii) The applicant provides documentation from a certified hydrologist stating that the off-site ground water recharge area will provide the same degree of ground water recharge as the subject site.
 - iii) A legally binding agreement from the owner of the subject property containing the proposed off site ground water recharge area is submitted to the Planning Board with the Special Permit request. This agreement shall state that easement(s) will be provided for the off-site ground water recharge area upon issuance of a Special Permit.
 - iv) All Special Permits granted pursuant to this by-law shall require that easement(s) be provided for all off site ground water recharge areas . Completed easement documentation is subject to the review and approval of Town Counsel and shall be presented to the Planning Board prior to issuance of a Building Permit.
- d) All other provisions of the Aquifer and Water Resource Districts would apply to all developments within this zone.