

Note to Littleton Planning Board:

The following DRAFT document is divided into three parts:

1. **LITTLETON VILLAGE OVERLAY DISTRICT - Littleton Common Area**
2. **LITTLETON VILLAGE OVERLAY DISTRICT EAST - Gateway Farmland Protection Area**
3. **LITTLETON VILLAGE OVERLAY DISTRICT WEST – Beaver Brook Area**

The first section is the most complete (but still draft), and is based upon text used in the several previously-written MAPC Overlay District documents. The latter two sections are more in outline form, in order for there to be more discussion with the Littleton Boards prior to drafting the text.

Bold Italicized Text in the body of this document is for descriptive purposes only, and will not be included in final text of the bylaw.

(DRAFT) LITTLETON VILLAGE OVERLAY DISTRICT - Littleton Common Area

(version as of August 18, 2009)

[1.0] Purpose and Intent

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

b) The Littleton Village Overlay District – Littleton Common Area is intended to apply only to those portions of the Business (B) District, the Residential District (R) and the Industrial District (I-A and I-B) shown on the attached map entitled “Littleton Village Overlay District – Littleton Common Area”. **[Note: this is proposed to include Industrial A and Industrial B east of I-495, as well as all of Business zone and portions of adjacent Residential zone north of the Business zone].**

c) The Littleton Village Overlay District – Littleton Common Area is established for the accomplishment of the following purposes:

- promoting a range and balance of residential and commercial uses;
- promoting efficient use of land within the Town;
- facilitating integrated physical design and synergies between activities;
- facilitating an increase in the variety of housing stock;
- enhancing vitality during both day- and night-time;
- promoting a pedestrian-friendly living and working environment;
- facilitating economic development while remaining sensitive to environmental impacts;
- encouraging building reuse and appropriate infill development;
- promoting innovative and sustainable building and site design.

[2.0] Authority

a) The Littleton Village Overlay District – Littleton Common 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 the Littleton Village Overlay District – Littleton Common 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 – Littleton Common 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 Enforcement provisions in the current Littleton zoning by-law (Section ___);

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 – Littleton Common Area design standards.

[3.0] Uses Allowed by Special Permit

a) For the purposes of this by-law, all terms and words used shall have the meanings as defined by the current Littleton zoning by-law and shall also include the following:

Artist Studio/Residence: A place of work and residence of one or more persons who are engaged actively, either professionally or as an avocation, in commercial graphic arts; fine arts, including but not limited to painting, printmaking, sculpting, or ceramics; art and document restoration; the performing and visual arts, including but not limited dance, choreography, photography or filmmaking or the composition of music. This definition does not include any Adult Entertainment Uses as defined in the current Littleton zoning by-law (section II and XXII).

Mixed Use Development: A combination of residential and non-residential uses, as permitted within the East Overlay District, arranged vertically (in multiple stories of buildings), or horizontally (adjacent to one another in one or more buildings) within a lot.

b) The following uses (and none other) shall with a Special Permit, be permitted pursuant to this by-law. These uses may be commingled into building(s) or may be located in separate buildings on the lot.

- i) Single or multi-family dwelling units located in Mixed Use Developments provided that no more than 10 percent of the total number of a development's dwelling units at any one time be units of 3 or more bedrooms;
- ii) Artist studio/residence;
- iii) Retail stores and offices including, but not limited to salesrooms and showrooms; personal and consumer service establishments; business and professional offices; executive and administrative offices; banks and other financial institutions;
- iv) Hotels and motels;
- v) Fraternal, charitable or non-profit organization, as defined in the current Littleton zoning by-law;
- vi) Restaurant and other on-premises eating and drinking establishments;
- vii) Motion picture establishment (indoor), live theaters and other entertainment, amusement and recreation services (indoor);
- viii) Church or other religious purposes;
- ix) Education purposes which are religious, sectarian, denominational, or public;
- x) Nursery school;
- xi) Public park, conservation area and preserved open spaces, but not including active recreational facilities;
- xii) Town building except public works equipment garage;
- xiii) Public library, museum, historic association or society;

[3.1] Special Prohibitions

Notwithstanding the range of uses allowed above, the following sub-categories are not permitted in developments proposed under this by-law:

- i) All uses prohibited by the provisions of the Aquifer and Water Resource District in the current Littleton zoning by-law (Section XIV), for those portions of the Overlay District within the Aquifer and Water Resource District.
- ii) Storage trailers and outdoor storage of goods associated with a commercial use;
- iii) Adult Entertainment Uses as defined in the current Littleton zoning by-law (sections II and XXII).

[4.0] Performance Standards and Criteria

[4.1] General Criteria

In addition to the specific criteria contained within this by-law, the Planning Board shall consider the following general criteria, where relevant before issuing a Special Permit for development within the Littleton Village Overlay District – Littleton Common Area:

- a) Adequacy of the site in terms of the size of the proposed use(s);
- b) Adequacy of the provision of open space, its accessibility to the general public, and / or its association with adjacent or proximate open space areas;
- c) Suitability of the site for the proposed uses(s);
- d) Impact on traffic and pedestrian flow and safety and access for emergency vehicles;
- e) Adequacy of pedestrian access to buildings and between public spaces;
- f) Impact on the visual character of the Littleton Village Overlay District – Littleton Common Area and surrounding neighborhood;
- g) Adequacy of utilities, including sewage disposal, water supply and storm water drainage;
- h) Degree to which the proposed project complies with the goals of the latest Littleton Master Plan and the provisions of this section.

[4.2] Mix of Uses

The mix of uses shall be balanced and compatible and shall contribute to a vibrant village atmosphere, including ground floor street-front uses comprised of retail, restaurant and office uses.

[4.3] Ground floor uses

- a) Ground floors of buildings fronting streets or public access ways shall be reserved for commercial uses except as specified below.
- b) Dwelling units shall be allowed on ground floors of buildings only where:
 - the building is set behind another building which has commercial uses on the ground floor; or
 - the residential portion of the ground floor of a building is set behind street-front retail/office/restaurant uses within the same building; or
 - the Planning Board determines that street-front residential uses will not have an adverse impact on the continuity of the commercial street-front uses, and where such street front residential uses will not be adversely affected by proximity to street and adjacent commercial uses.

[4.4] Minimum Lot Size

- a) The minimum lot size shall be no less than _____ square feet. The lot area must be within the boundaries of the Littleton Village Overlay District – Littleton Common Area and comprise contiguous parcels of land, except where the site is traversed by a way or street as defined by the current Littleton zoning by-law.
- b) No portion of a way or street, as defined in the current Littleton zoning by-law may be included in computing the minimum required lot size.

[4.5] Reserved

[4.6] Minimum Lot Frontage

Minimum lot frontage shall be _____ feet.

[4.7] Density

No residential building shall be designed, arranged or constructed and no building or land shall be used, in whole or in part, which exceeds the density specified below for residential uses within the Littleton Village Overlay District:

- 1 dwelling unit per _____ square feet of lot area.

[4.7.1] Dwelling Unit Size

The minimum net floor area per dwelling unit in a mixed use development within the Littleton Village Overlay District – Littleton Common Area shall be _____ square feet.

[4.7.2] Special Density Provisions

An increase in the residential density within a development may be allowed by the Planning Board as identified below, provided that the applicant can demonstrate that the proposal complies with the General Criteria stated above, as may be amended:

- a) The Planning Board may permit a density bonus of 2 dwelling units per 1 affordable dwelling units provided pursuant to the requirements this by-law, as may be amended, provided that parking is available in perpetuity for all dwelling units in accordance with the parking requirements of this by-law, and provided that said affordable unit is restricted as such in perpetuity.
- b) The Planning Board may permit a density bonus of 1 dwelling per 2,500 square feet of Open Space which exceeds the required 15 percent of publicly accessible open space (see section 4.10 of this by-law).
- c) The Planning Board may permit a density bonus of 1 dwelling unit per additional 10 percent on-site parking which exceeds the required parking spaces, provided that the additional parking is not located between the building line and the street line. For the purposes of this provision, where the calculation of the additional parking spaces results in the requirement of a fractional space, any fraction shall require one space.
- d) The Planning Board may permit a density bonus of 1 dwelling unit if the applicant agrees to reconstruct and maintain any existing storm water drains located within the lot to a more natural state using current best management practices for stream

restoration that are endorsed by MA DEP or other relevant environmental protection body; OR

- i) Reduce the existing lot coverage by at least 10 percent; AND
- ii) Incorporate landscape design and construction techniques that accord with current LEED standards and current Low Impact Development practices.

[4.8] Setbacks and Yards

No lot on which a building is located shall be reduced or changed in size or shape so that the building or lot fails to comply with the frontage, building coverage, yard distances, or other dimensional provisions of this by-law.

Buildings shall be constructed in accordance with the following front, side and rear yard distances specified below:

- a) Minimum Front Yard depth - **5 feet**. This depth is to allow minimal-setback structures where appropriate in the Littleton Village Overlay District. The front yard depth in the Littleton Village Overlay District shall be greater than the minimum front yard depth where the Planning Board considers additional front yard landscaping to be an appropriate amenity.
- b) Maximum Required Front Yard depth – **25 feet or the average of the setbacks** to buildings on the same side of the street or way within 200 feet of the lot in question, whichever is the lesser, except where the Planning Board determines that the site constraints (including, but not limited to, streams or wetlands) require a greater setback.
- c) Minimum Side Yard Width – **0 feet except** where the subject property shares a lot line with a parcel that is located in a Residential District, in which case, minimum is 25 feet;
- d) Minimum Rear Yard depth – **25 feet**. The Planning Board may permit a lesser rear yard depth if the existing rear yard depth on a lot is less than the required rear yard depth.

[4.9] Height

- a) The maximum height of buildings or structures, other than accessory rooftop equipment or special architectural features referred to in the following section, is **32** feet or 2.5 stories, whichever is the lower.
- b) The height limit does not apply to necessary appurtenances usually carried above roof not used for human occupancy pursuant to the current Littleton zoning by-law (Section 173.31 – Intensity of Use Schedule).

[4.10] Open Space & Landscaping

- a) A minimum of **15 percent of the site shall remain as open space, designed and intended for appropriate public use**. Open space areas shall remain open in perpetuity. In order to be included in the required open space calculation, the open space shall be usable, unobstructed space that is not used for vehicle parking, vehicle circulation, loading spaces, or pedestrian pathways or landscaping within vehicle parking lots. The required open space area shall not include streams, wetlands, ponds, rivers, certified

vernal pools, or other resource areas, or their associated buffer zones as identified under M.G.L. Ch. 131 or the regulations thereunder.

- b) Developments shall be made pedestrian-friendly by use of amenities such as wide sidewalks/pathways, outdoor seating, patios or courtyards, and/or appropriate landscaping. All structures, parking, pathways and other pedestrian amenities shall be designed to maximize ease of pedestrian access.
- c) All developments, other than the re-use of space in existence on the date this by-law becomes effective, shall be landscaped with appropriate low-water vegetation.
- d) Landscaping and screening plant materials within the Littleton Village Overlay District shall not encroach on the public walkways or roadways in a way that impedes pedestrian or vehicular traffic or blocks views of signs within the roadway alignment.

[4.11] Vehicle Parking and Loading

- a) Adequate off-street parking shall be provided and maintained in connection with all development pursuant to this by-law. In determining adequacy, the Planning Board shall consider the extent to which the design maximizes pedestrian flow within the development, maximizes pedestrian safety, maximizes the efficient use of existing and proposed parking facilities, and minimizes the area of land to be paved for parking.
- b) To maintain a pedestrian-friendly environment, motor vehicle parking spaces shall be located behind or beside buildings wherever possible. Motor vehicle parking shall not be located directly between the building and the street alignment.
- c) The number of off-street parking spaces required in the Littleton Village Overlay District – Littleton Common Area shall be as per the Table of Parking Space Requirements.

Table of Parking Space Requirements

Use	Parking
Retail stores, offices, restaurants, and other permitted commercial uses	As per the Off-Street Parking and Loading Regulations in the current Littleton zoning by-law
Residential uses: Studio units and one bedroom dwelling units	1 space per unit
Dwelling units with 2 or more bedrooms	1.5 spaces per dwelling unit

- d) Where the calculation of the number of required parking spaces results in the requirement of a fractional space, any fraction over one-half shall require one space.
- e) To maintain a pedestrian-friendly environment, motor vehicle parking spaces shall be located behind or beside buildings to the maximum extent possible. Motor vehicle parking shall not be located directly between the building and the street alignment.

- f) Off street loading shall be provided in accordance with the Off-Street Loading Standards in the current Littleton zoning by-law.

[4.12] Bicycle Parking

- a) Long-term bicycle parking shall be provided for all new developments in the Littleton Village Overlay District – Littleton Common Area. Long-term parking shall be at least 50 percent sheltered from the elements.
- b) At least one bicycle parking or storage space shall be created for each residential unit created. However, no bicycle parking is required for residential units where there are fewer than four residential units created. Special Permits granted pursuant to this by-law shall require that property management rules and regulations state that bicycle parking is permitted in designated areas within all covered vehicle parking areas.
- c) At least two bicycle parking or storage spaces shall be created for each commercial uses within the site.
- d) Bicycle parking or storage spaces shall be located as close as possible to the building entrance(s).
- e) Any property owner required to have bicycle parking may elect to establish a shared bicycle parking facility with any other property owner within the same block to meet these requirements.

[4.13] Special Parking Provisions

[4.13.1] Shared Motor Vehicle Parking

a) Shared use of motor vehicle parking is strongly encouraged, however, parking spaces for one use shall not be considered as providing the required spaces for any other use, except when it can be clearly demonstrated that the need for parking occurs at different times. A shared parking agreement shall be submitted to the Planning Board as part of any Special Permit request. Said shared parking agreement shall address issues such as the maintenance, striping and snow plowing of the shared parking area.

b) The allowance of shared parking spaces shall be specifically referenced in any Special Permit. In allowing shared parking spaces, the Planning Board may take into consideration the type of use (i.e. residential versus commercial; office versus restaurant, etc.), the intensity of the use, the expected hours of operation of the particular use, access and egress from the site and any other available information that will assist in making such a determination. The allowance of any shared parking shall be particular to the use(s) that are the subject of the Special Permit. Any change or intensification of the use shall require a new or amended Special Permit.

[4.13.2] Vehicle and Pedestrian Features

Vehicle, pedestrian, and bicycle features shall be designed to provide a network of pathways and promote walking within the Littleton Village Overlay District – Littleton Common Area. Driveways shall not occupy more than 25 percent of the frontage of any parcel, except for lots with a frontage of less than 40 feet. Curb cuts shall be minimized and subject to design review by the Board. The Board may require allowance for pedestrian and vehicular access to

existing or future developments on abutting properties in order to facilitate pedestrian access and to minimize curb cuts.

[4.13.3] Off Site Motor Vehicle Parking

- a) Off site motor vehicle parking, to the extent required in this section, may be provided on any lot or premises associated with the parking generator, provided that a substantial portion of this parking is within at least 300 feet walking distance of the parking generator, and provided that this walking distance does not require pedestrians to cross Route 2a or Route 110.

- b) A legally binding agreement from the owner of the subject property containing the proposed off site motor vehicle parking shall be submitted to the Planning Board with the Special Permit request. This agreement shall state that easement(s) will be provided for the off site parking upon issuance of a Special Permit. All Special Permits granted pursuant to this by-law shall require that easement(s) be provided for all off site parking. 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.

[4.14] Signs

a) All signs installed in the Littleton Village Overlay District – Littleton Common Area after the date of passage of this by-law shall conform to all requirements as set forth in the current Littleton zoning by-law (section VII) and the following:

- i) Wall-mounted signs shall not comprise an area greater than 10 percent of a building's street facade and shall not obscure architectural details of historic buildings.
- ii) The length of a wall-mounted sign shall not exceed 70 percent of the street frontage of the establishment.
- iii) Projecting sign face area shall be limited to 6 square feet and shall not project more than 3 feet from the side of the building.
- iv) Permanently affixed window signs shall not occupy more than 10 percent of the window surface area.
- v) Signs and logos on awnings or canopies shall only be located along the valance or side of the awning or canopy. Lettering or a logo on the said valance shall not cover more than 60 percent of the valance area. A logo on the side of an awning or canopy shall not cover more than 50 percent of the side area.
- vi) Wall-mounted signs, signs on awnings or canopies, and projecting signs shall be limited to 1 each per street frontage of the establishment, however, the total number signs (wall-mounted; awning or canopy sign; projecting sign) shall be limited to a maximum of 2 per frontage of the establishment.
- vii) Flashing signs, moving signs, and roof signs are not permitted.
- viii) Signs shall be externally lit from above or from behind ("back-lit sign"). Internal illumination of signs is prohibited. Light sources shall be directed against the sign and shielded so that no direct light shines onto sidewalks, streets, or adjacent properties or causes glare for motorists and pedestrians. The light source should be concealed from view to the maximum extent possible.

[4.15] Lighting

All lighting installed in the Littleton Village Overlay District – Littleton Common Area after the date of passage of this by-law shall comply with the following:

- a) Such lighting shall not blink, flash, oscillate or be of unusually high intensity of brightness.
- b) Lighting shall be directed so that it does not shine directly into adjacent properties or cause glare for motorists and pedestrians.

[4.16] Affordable Housing

a) In developments of more than 5 dwelling units, at least 10 percent of the total number of units shall be affordable to housing purchasers at or below 80% of the median income for the Area Median Income, as determined by the most recent standards and statistics kept by the Massachusetts Department of Housing and Community Development or the successor agencies thereto.

b) In computing the number of required affordable units, fractions shall be rounded up if above $\frac{1}{2}$ or down if below $\frac{1}{2}$.

c) The affordable units must be subject to use restrictions, deed restrictions, or other legally binding instruments to ensure that the units remain affordable and available in perpetuity exclusively to households with qualifying incomes. The units must be sold or rented on a fair and open basis, subject to a local preference lottery, as may be allowed under law, and the owners of the units must adopt an affirmative fair marketing plan.

d) Affordable units shall be developed under the Local Initiative Program of the Massachusetts Department of Housing and Community Development (DHCD) or another subsidy program that allows the housing to be included on the Town's Subsidized Housing Inventory, as kept by the DHCD. Each Special Permit issued under the Littleton Village Overlay District by-law shall include a condition that no occupancy permit may be granted until the Town has received written correspondence from the DHCD stating that the affordable dwelling units authorized by the said Special Permit will be added to the Town's Subsidized Housing Inventory of low or moderate income dwelling units.

e) All affordable units shall be indistinguishable from market-rate units on the exterior.

f) A Special Permit issued under the Littleton Village Overlay District – Littleton Common Area by-law may include a condition that sets a time schedule for the construction of affordable dwelling units. Except in extraordinary circumstances, under the said condition, no occupancy permit shall be issued for any market rate dwelling unit in a development until occupancy permits have been issued for affordable dwelling units in an amount equal to the percentage of affordable units which are to be constructed.

g) All housing purchasers shall have the same rights, privileges and responsibilities, including access to all amenities within the development.

[4.17] Storm Water Management

- a) Developments proposed pursuant to this by-law shall that are located within the Aquifer and Water Resource District shall comply with all relevant requirements of the Aquifer

and Water Resource District (section XIV) in the current Littleton zoning by-law, except that where the provisions of this by-law conflict with the said Aquifer and Water Resource District provisions, the Littleton Village Overlay District – Littleton Common Area provisions shall prevail. All developments pursuant to this Littleton Village Overlay District – Littleton Common Area bylaw that are located outside of the Aquifer and Water Resource District shall comply with the following storm-water management provisions.

- b) Run-off from all roofs, parking lots and other paved areas shall be intercepted, treated, and recharged on site in accordance current MA DEP storm water guidelines and related Best Management Practices and the current Littleton storm water management regulations and Town of Littleton Low Impact Design/Best Management practices Manual
- c) Each applicant shall be responsible for preparing a maintenance plan for all applications made pursuant to this by-law to ensure the ongoing pollutant removal efficiency of storm water quality control systems within the lot. Said maintenance plan shall be presented to the Planning Board as a part of the Site Plan Review process.
- d) The property owner shall be responsible in perpetuity for the maintenance of all storm water management systems within the lot, including storm water quality control systems.
- e) A Special Permit issued under this by-law may include a condition that requires the applicant to prepare a contingency plan for the accidental spill of hazardous materials in the parking and loading areas. Said contingency plan may require the provision of a water quality monitoring device. The property owner shall be responsible in perpetuity for the implementation of the said contingency plan.
- f) There shall be no net increase in peak storm water discharge volume resulting from developments within the Littleton Village Overlay District – Littleton Common Area. Each applicant shall have the burden of demonstrating that the project shall reduce the storm water discharge volume from the lot to the maximum extent feasible using current MA DEP Best Management Practices for ground water recharge.

[4.18] Design Standards

Buildings shall be of a design similar to or compatible with traditional architecture in the Town of Littleton in terms of scale, massing, roof shape, spacing and exterior materials. The design standards below are intended to promote quality development consistent with the town's sense of history, human scale and pedestrian-oriented village character. To provide additional guidance, the Planning Board may promulgate more detailed Design Guidelines. All applications made pursuant to this by-law shall be subject to the following design standards.

[4.18.1] Building Scale

- a) The size and detailing of buildings shall be pedestrian oriented and shall reflect community preference for moderate-scale structures that resemble houses or barns, and do not resemble "big box shopping centers". Building design shall incorporate features to add visual interest while reducing appearance of bulk or mass. Such features include, as appropriate, varied facades, rooflines (e.g., gable direction, pitch), roof heights, materials, and details such as brick chimneys or shutters.

- b) Buildings shall relate well to the pedestrian scale by:
- Including appropriate architectural details to add visual interest along the ground floor of all facades that face streets, squares, pedestrian pathways, parking lots, or other significant pedestrian spaces;
 - Articulate the base, middle, and top of the facade separated by cornices, string cornices, step-backs or other articulating features.
 - Continuous lengths of flat, blank walls adjacent to streets, pedestrian pathways, or open spaces shall not be permitted.

[4.18.2] Roof form

a) New construction, including new development above existing buildings, shall incorporate gables or other traditional pitched roof forms which will be consistent with the historic architecture of the Town of Littleton.

b) Mechanical equipment located on roofs shall be screened, organized and designed as a component of the roofscape, and not appear to be a leftover or add-on element.

[4.18.3] Entrances

a) For visibility and accessibility, all primary commercial and residential building entrances shall be visible from the right-of-way and the sidewalk, and shall have an entrance directly accessible from the sidewalk.

b) Doors shall not extend beyond the exterior facade into pedestrian pathways.

c) Where parking is located to the rear of a building, entrances to dwelling units within the building are to be visible and accessible from the parking lot. All entrances are to have sufficient illumination at night time.

[4.18.4] External Materials and Appearance

a) Predominant wall materials shall have the appearance of wood, brick or stone painted or coated in a non-metallic finish.

b) Awnings and canopies shall be compatible with the architectural style of the building. Colors and patterns used for awnings and canopies shall be subdued and compatible with existing awnings on adjacent buildings.

c) Except for minor trim, the building shall avoid the appearance of reflective materials such as porcelain enamel or sheet metal. Window panes shall be non-reflective.

d) Ground floor commercial building facades facing streets, squares, or other significant pedestrian spaces shall contain transparent windows encompassing a minimum of 50 percent of the facade surface.

e) Any alteration of or addition to an existing historic structure shall employ materials, colors and textures as well as massing, size, scale and architectural features that are compatible with the original structure. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

[4.18.5] Service Areas, Utilities and Equipment

Service and loading areas and mechanical equipment and utilities shall be unobtrusive or sufficiently screened so that they are not visible from streets or primary public open spaces and shall incorporate effective techniques for noise buffering from adjacent uses. Waste disposal areas shall follow all relevant requirements of the current Littleton zoning by-law.

[4.18.6] Sustainable Building Design

New buildings constructed in the Littleton Village Overlay District – Littleton Common Area after the date of passage of this by-law shall comply with the current Leadership in Energy and Environmental Design (LEED) criteria, as promulgated by the U.S. Green Building Council to the maximum extent feasible.

MAPC looked at a number of options to meet the goal of preserving the farmland and rural character of this area while enabling the landowners to retain the rights to undertake reasonable development of their properties.

Options examined included Mandatory Cluster (similar to Amherst), increased frontage requirements for lots fronting on Great Road or Backlot Development (to discourage ANR development). However, none of these appeared to provide adequate incentives for the landowners or adequate protection from grandfathering under existing zoning.

The text/method included below was selected because it provides a significant incentive for landowners to not undertake ANR (frontage) development, but rather provides incentives to undertake development via cluster that preserves road frontage and agricultural lands.

(DRAFT) LITTLETON VILLAGE OVERLAY DISTRICT EAST - Gateway Farmland Protection Area

(version as of August 18, 2009)

[1.0] Purpose and Intent

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

b) The Littleton Village Overlay District East - Gateway Farmland Protection Area is intended to apply only to those portions of the Residential District (R) shown on the attached map entitled "Littleton Village Overlay District East -Gateway Farmland Protection Area". **[Note: this is proposed to include portions of the Residential zone north and south of Great Road from the east end of the Business zone to Powers Road, extending north and south from great Road to include all of the farmlands and associated woodlands in this area].**

c) The Littleton Village Overlay District East - Gateway Farmland Protection Area is established for the accomplishment of the following purposes:

- preserving the eastern gateway to Littleton Village Center, to preserve the rural/historical character of the community and to define the eastern edge of the commercial village area
- promoting the preservation of working farmland within the town for economic development purposes
- providing for safety of travel on Route 2A (the Great Road) by providing incentives to landowners to develop land in a manner that limits the number of new driveways and subdivision roadways entering onto this road
- promoting efficient use of land within the Town;
- facilitating an increase in the variety of housing stock;

[2.0] Authority

a) The Littleton Village Overlay District East - Gateway Farmland Protection 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 the Littleton Village Overlay District East - Gateway Farmland Protection 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 East - Gateway Farmland Protection 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 Enforcement provisions in the current Littleton zoning by-law (Section ____);

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 East - Gateway Farmland Protection Area design standards.

[3.0] Uses Allowed by Special Permit

a) For the purposes of this by-law, all terms and words used shall have the meanings as defined by the current Littleton zoning by-law and shall also include the following:

Density Bonus: An increase in calculated residential zoning yield.....

b) The following uses (and none other) shall with a Special Permit, be permitted pursuant to this by-law.

- i) All uses allowed in the underlying Residential District
- ii) Clustered residential developments allowed under the Open Space Development (section XIX) or Over-55 Housing Developments (section XXIII) of the zoning bylaws, and as further detailed by the provisions of this bylaw regarding bonus density and farmland protection.
- iii) Attached townhome style multi-family structures, provided that no more than ____ units are allowed in each structure.
- iv) Farm Stand and Farm-stand restaurants shall be allowed on the open space, but shall not cause more than __% of the parcel to become impervious (including parking associated with the use).

[4.0] Performance Standards and Criteria

[4.1] General Criteria

TO BE DRAFTED: Allow for increases in density of residential uses if:

- a) The development includes more than 50% open space under section XIX. For EACH 10% increase in the amount of open space (to 60%, 70% etc), the landowner is eligible to request a 10% bonus in the number of residential units in the development.
- b) The development preserves land that could have been developed separately as Approval Not Required lots. The developer shall receive a bonus of 1 extra lot for each ANR lot that was not developed (and where this ANR lot area is now included in the open space required as part of the cluster subdivision)

In no event shall the total number of lots in the cluster development exceed **1.25 times** the total number that would otherwise have been developable under a Definitive subdivision plan, or as calculated using the method in section XIX.

All other provisions of Open Space Development (section XIX) or Over-55 Housing Developments (section XXIII) shall apply.

EXAMPLE (assuming the above provisions and 1.25 maximum number of lots):

80 acre parcel
Less 10 acres wetlands
70 acres net
Less 10.5 acres (15% for roads and odd lot shapes)
59.5 acres net
Times 43,560 s.f. per acre
2,591,820 s.f
Divided by 40,000 s.f. minimum lot size
64 lots

Bonus calculations possible are as follows:

64 lots
Plus 6 lots (10% bonus for more open space than required)
70 lots net
Plus 8 lots that could have been developed via ANR (in Open Space area)
78 lots

Total calculated number of lots is less than the 80 lot limit that is based on 125% of base number of 64 lots

For this section, MAPC considered changes to zoning that would allow for the additional uses (rather than and 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 District).

(DRAFT) LITTLETON VILLAGE OVERLAY DISTRICT WEST – Beaver Brook Area
(version as of August 18, 2009)

[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 development 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) shown on the attached map entitled “Littleton Village Overlay District West – Beaver Brook Area”. ***[Note: this is proposed to include only land north of Great Road and West of I-495. Probably should not include land fronting on Russell Street or Beaver Brook Road (this could add too much potential traffic to these side roads). Also, may not include land in the actual Beaver Brook wetlands/flood area.]***

c) The Littleton Village Overlay District West – Beaver Brook Area is established for the accomplishment of the following purposes:

- facilitating economic development while remaining sensitive to environmental impacts;
- encouraging building reuse and appropriate infill development;
- promoting innovative and sustainable building and site design.
- promoting efficient use of land within the Town;
- facilitating integrated physical design and synergies between activities;

(AND, if housing is allowed as a component of the development):

- promoting a pedestrian-friendly living and working environment;
- promoting a range and balance of residential and commercial uses;
- facilitating an increase in the variety of housing stock;

[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 Enforcement provisions in the current Littleton zoning by-law (Section ___);

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] Uses Allowed by Special Permit

Details TO BE WRITTEN: Uses allowed in the District via the underlying by-right zoning include all industrial uses, offices, banks, restaurants, hotel/conference center, Indoor and Outdoor recreation, retail limited to less than 10% total built area.

Uses by Special Permit Will include:

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

- theater (and other indoor and outdoor entertainment venues),
- retail (beyond the limited retail allowed in underlying zoning), and also
- multi-family residential (but only as a component of a mixed use development that includes substantial percentage of other uses). **What percentage of built space would the board feel comfortable with?**

Development within this district would still be subject to Special Permit provisions for “Major Commercial or Industrial Use”.

What does the Board want to do with the question of whether Town Meeting approval should be needed for retail over 60,000 sq. ft.??

Note that the entire potential Littleton Village Overlay District West – Beaver Brook Area is within the Aquifer portion of the Aquifer and Water Resource District, which would limit the total potential site coverage to 30% by Special Permit. The following language is designed to allow for redevelopment of sites within the Aquifer zone 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.

[4.5] 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 (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 building coverage;
- b) Planning Board 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) 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 off site ground water recharge area shall be equal to or greater in area than the proposed impervious site cover.
 - 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 District would apply to all developments within this zone.