



PLANNING BOARD

P.O. Box 1305
Littleton, Massachusetts 01460

Thursday, October 27, 2011

FORM D CERTIFICATE OF APPROVAL OF A DEFINITIVE SUBDIVISION PLAN CONSTITUTION AVENUE

APPLICATION: DEFINITIVE SUBDIVISION
Constitution Avenue Subdivision

PROPERTY LOCATION: Approximately 91 acres of land situated in the northwest quadrant of the interchange at the intersection of Interstate 495 and Route 119/Great Road. Map R-18, Parcel 1-2.

DESCRIPTION: Seven-lot commercial development. The property previously received approvals for 640,000 square feet of office development.

APPLICANT: Sam Park & Company
Three Center Plaza, Suite 410
Boston, MA 02108

OWNER: Littleton Commercial Investments, LLC
c/o Sam Park & Company
Three Center Plaza, Suite 410
Boston, MA 02108

ENGINEER: Timothy J. Power, PE
Allen & Major Associates, Inc.
10 Main Street
Lakeville, MA 02347

DATES OF LEGAL NOTICE: September 29, and October 6, 2011

DATE OF HEARING: October 13, 2011

MEMBERS PRESENT: Mark Montanari, Richard Crowley, Gerald Portante, Don MacIver and Peter Scott

REFERENCED PLANS: "Definitive Subdivision Plans for Constitution Ave Littleton, MA" by Allen & Major, Associates, Inc. Owner/Applicant: Littleton Commercial Investments, LLC, Issued September 28, 2011, with the following Sheets:

Title Sheet

Definitive Subdivision – Constitution Ave

S-1, S-2, and S-3 Lotting Plan

C-1, C-2, C-3, C-4 and C-5: Plan and Profile

Revised, stamped plans shall be presented to the Planning Board for endorsement.

HEARING

The Littleton Planning Board held a public hearing on October 13, 2011 to consider the application for a Definitive Subdivision according to Chapter 40A, Section 6 and Chapter 41, Section 81U, MGL and the Code of the Town of Littleton Subdivision of Land, Chapter 249. Sam Park, on behalf of the applicant, and Timothy Power, the project engineer, made a presentation to the Planning Board. Mr. Park and Mr. Power responded to questions posed by members of the Planning Board. Members of the public in attendance asked a number of questions, all of which were answered by Mr. Park and Mr. Power. The Public Hearing was closed on October 13, 2011.

The Planning Board approved a preliminary subdivision plan for the subject property at the September 22, 2011 meeting.

BACKGROUND

The owner acquired the subject property on August 22, 2011 by deed recorded with the Middlesex South Registry of Deeds in Book 57395, Page 168 and registered with the Middlesex South Registry District of the Land Court as Document Number 1575193.

The applicant, on behalf of the owner, is interested in developing the subject property in a manner that is consistent with the objectives, performance standards and criteria, and design standards of the Littleton Village Overlay District West – Beaver Brook area provisions of the Code of the Town of Littleton Zoning (Sections 173-167 through 173-179), as adopted by the Town of Littleton at the 2010 Littleton Town Meeting.

An approval of this subdivision will allow owners of the subject property to pursue a development on the site that combines commercial uses and retail uses identified by the Town. The purpose of this application for subdivision approval is to allow the property to be divided into lots that will support separate uses that can be phased and separately financed.

PEER REVIEW

The Planning Board has received a Peer Review dated October 13, 2001 of the definitive subdivision plan prepared by Green International Affiliates, Inc. (the Peer Review).

WAIVERS GRANTED

The applicant has requested the following waivers, each of which has been granted by the Planning Board:

§249-32 C. 15 – Existing Trees

Reason: Final landscape design addressing existing trees to remain will be incorporated in future site plan review process.

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§249-32 D. (6) – Water Main

Reason: Final water main design will incorporate loop system and is based on future development layout.

§249-32 D. (7) – Gas and Cable Utility Layout

Reason: Final gas and cable utilities layout will be coordinated with development of each parcel.

§249-43 F. (1) – Length of Dead End Streets

Reason: Existing emergency access road into Westford will be maintained.

§249-43 F. (2) – Paved Cul-De-Sac

Reason: The road will be provided with a “hammer head” paved area to provide adequate turning maneuvers for emergency vehicles. Future developments will provide additional paved areas increasing the ability for emergency vehicles to maneuver.

§249-47 D. – Grading Easements

Reason: Grading easements are not necessary as each lot will be graded under the same ownership before lots are released. Future developments will have at-grade access to the subdivision road.

§249-59 A. – Utility Layout

Reason: Final utilities layout will be coordinated with development of each parcel.

§249-59 B. – Utility Layout

Reason: Final utilities layout will be coordinated with development of each parcel.

§249-59 E. – Private Utility Design

Reason: Final design by utility companies cannot be provided until build out design of the subdivision lots is established. Utility companies were willing and able to provide service to previous development plans as approved by the Planning Board.

§249-66 F. – Road Width

Reason: The subdivision road will be a collector street. Existing portions of the road exceed this width as part of the existing boulevard entrance. The proposed road will taper to a 30-foot minimum width.

§249-85 A. (1) – Water Main Design

Reason: Final water main design will incorporate loop system and is based on future development layout.

§249-85 B. (1) – Drain Pipe Material

Reason: Proposed pipe material to be High Density Polyethylene (HDPE). HDPE pipe can have a minimum of 1-ft of cover to meet H-20 Loading.

§249-89 A. (1) – Monuments

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Reason: Monuments will be provided at all points of change of direction but not at intermediate points along property lines.

Typical Section – Figure 1 – Buffer Strip

Reason: The proposed road layout is based on a previously approved access road under the Cisco Systems campus design. Providing a landscape buffer strip to the south of the road would result in further impact to wetland areas and revisions to an active Order of Conditions. In addition, primary pedestrian paths will be within the overall site development.

DECISION

At the meeting held Thursday, October 13, 2011, a motion was made by Mr. Portante and seconded by Mr. MacIver to approve the Definitive Subdivision in accordance with the referenced plan with the above waivers and with the following conditions:

1. This Definitive Subdivision Approval is in addition to the Littleton Village Overlay District West – Beaver Brook Setback Special Permit approved for this location;
2. Construction shall be strictly in accordance with the REFERENCED PLANS, except where waived herein, with careful attention to all inspection requirements;
3. Before the definitive subdivision plans are presented to the Planning Board for endorsement, the applicant shall revise the plans in the manner suggested in the Peer Review paragraph numbers: 20, 22, 24, 26, 27, 29, 32, 34, 35, 37, 40, 42, 43, 45, 46, 47, 50, 53, 55, 56, 59, 61, 62, 64, 65, 66, 68 and 78;
4. The applicant shall address to the satisfaction of the Planning Board, during the Littleton Village Overlay District West – Beaver Brook Special Permit process, or the Site Plan Review process, whichever occurs first, the comments set out in paragraphs 6, 9, 10, 11, 12, 13, 14, 16, 19, 21, 33, 36, 38, 39, 51, 52, 54, 60, 72 and 73 of the Peer Review;
5. The Developer's undertakings referenced in the granted waivers shall be duly performed prior to the final release of the subdivision covenant.
6. All roadway, drainage, utility, and other public facility construction within the layout of Constitution Avenue or servicing the subdivision road shall be completed within 24 months of the date this decision is filed with Town Clerk, or an extension of said time frame requested by the applicant and granted by the Planning Board;
7. REFERENCED PLANS shall be recorded within 6 months of the date this decision is filed with Town Clerk or this subdivision shall be automatically rescinded;
8. Hydrants shall be painted a color approved by the Fire Department; all hydrants shall have appropriate signage;
9. If all the structures in the subdivision are not completed within two years from the time that the base course of pavement is installed, the developer shall reclaim and reinstall the base

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- course prior to installing the top course of pavement if the Planning Board deems that is necessary;
10. A stop sign shall be installed at the end of Constitution Avenue at the intersection with Great Road until the proposed traffic signal is activated;
 11. In accordance with Section 249-89 H, the developer shall pay the Town’s costs of all construction inspections and consultations;
 12. The developer is responsible for the maintenance of the entire site, and plowing and maintenance of the roadway and appurtenances;
 13. As-Built plans shall also include Littleton Light and Water Department requirements;
 14. As-Built plans shall also be in CAD form;
 15. Prior to the Board’s endorsement of its approval of the subdivision thereon the developer shall covenant to the Planning Board as provided in Section 81U of Chapter 41, GL, that no lot included in such plan shall be built upon or conveyed, other than by mortgage deed, until the work on the ground necessary to service such lot has been completed in the manner specified by the Subdivision Regulations of the Town of Littleton with the specific conditions listed herein, or an alternate form of security has been accepted by the Planning Board. Nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the planning board.

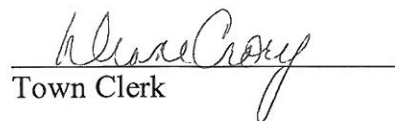
The Board voted 5 to 0 to approve the Constitution Avenue Definitive Subdivision with the above waivers and conditions.

Appeals, if any, shall be made pursuant to Section 81BB of Chapter 41, Massachusetts G.L., and shall be filed within 20 days after the date this decision is filed with Town Clerk.

Signed:


Gerald Portante, Clerk

Date Filed with Town Clerk: 10/28/11


Town Clerk

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TOWN CLERK CERTIFICATION:

To Whom It May Concern:

I, Diane Crory, Clerk of the Town of Littleton hereby certify that twenty days have elapsed since the filing of this decision by the Planning Board for this Definitive Subdivision and that no appeal concerning said decision has been filed, or that any appeal that has been filed has been dismissed or denied.

Date

Town Clerk Diane Crory
Littleton Mass.