



LITTLETON PLANNING BOARD

P.O. Box 1305
Littleton, Massachusetts 01460

Thursday, October 27, 2011

Littleton Village Overlay District West - Beaver Brook Setback Special Permit Great Road

APPLICATION:

SPECIAL PERMIT pursuant to MGL Chapter 40A and the Code of the Town of Littleton Zoning. The application is to reduce setback requirements, with no Article VI setback requirement from internal roadways and lot lines in order to allow the construction of contiguous buildings and pedestrian-friendly streetscapes consistent with the General Performance Standards and Criteria (Section 173-175) and Design Standards (Section 173-176) of the Littleton Village Overlay District West – Beaver Brook area (Article XXV).

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:

Commercial development on lots on Constitution Avenue. 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

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HEARING

The Littleton Planning Board held a public hearing on October 13, 2011 to consider the application for a Special Permit pursuant to MGL Chapter 40A and the Code of the Town of Littleton Zoning. 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.

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 the special permit 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. These uses, which may include offices, retail, hotel or assisted living facility, restaurants and assembly uses (such as cinema and health clubs), are expected to be beneficial to the Town and nearby development such as IBM's Mass Lab. This is a dramatic departure from the 640,000 square foot office campus previously permitted for the subject property.

The purpose of the present application for a special permit relative to setback requirements is to allow those uses to be physically contiguous to each other, thereby allowing the developer to meet the Town's design objective of continuous sidewalks, a seamless streetscape, and an integrated village feel.

Relative to setback requirements, under Article VI (Intensity of Use Regulations) of the Code of the Town of Littleton Zoning and the provisions of the underlying Industrial A zoning district, the uses would be required to be at least fifty (50) feet distant from Constitution Avenue and their respective side lot lines. While this sort of configuration may be appropriate for an industrial park, it conflicts with the design intent of the overlay district, which is the creation of a pedestrian-friendly environment. This type of environment depends on uses being close to each other, as one experiences along the main street of a New England town. The application of industrial setbacks would also make it impossible to avoid one of the main negative aspects of industrial configurations---the continuous lengths of flat, blank side-walls that define each individual user's space.

In order to avoid these conflicts, the Code of the Town of Littleton Zoning authorizes the Planning Board to grant the requested Special Permit. The Planning Board would retain the right to review site plans for each future building and to approve future detailed development plans for the subject property without being compelled to impose the setback requirements of Article VI on the subject property. By exercising its authority to grant a special permit(s) and site plan review under Article

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XXV of the Code of the Town of Littleton Zoning, the Planning Board may allow buildings to be sited so that complementary uses are separated only by a party wall, and so that the main entrances of commercial and retail uses are readily accessible to sidewalks along Constitution Avenue.

DETERMINATIONS

Based on the presentation of the applicant and the foregoing information, the Planning Board makes the following determinations:

1. The setback requirements of Article VI (Intensity of Use Regulations) applicable to industrial uses in the Industrial A zone conflict with the objectives, performance standards and criteria, and design standards of the Littleton Village Overlay District West – Beaver Brook area (Article XXV).
2. Such setback requirements shall not apply to non-industrial uses allowed by special permit granted under Article XXV of the Code of the Town of Littleton Zoning, where the setback in question is in relation to Constitution Avenue, internal vehicular ways or an internal lot line.
3. Instead, the physical placement of structures shall be subject to the review and approval of the Planning Board pursuant to the special permit and site plan review process articulated in Article XXV of the Code of the Town of Littleton Zoning.
4. The waiver of setback requirements shall apply only to Constitution Avenue, internal vehicular ways and internal lot lines. All relevant setback requirements shall continue to apply to Route 495, Great Road and the portions of each lot line that define the perimeter of the subject property as subdivided.

DECISION

Based on the foregoing, Mr. Crowley made a motion that the Planning Board grant the requested special permit, waiving setback requirements that would otherwise apply to non-industrial uses allowed by special permit granted under Article XXV of the Code of the Town of Littleton Zoning, where the setback in question is in relation to Constitution Avenue, an internal vehicular way or an internal lot line. Mr. Portante seconded this motion and the Board voted 5 to 0 in favor of this motion.

The Board members voted as follows:

Mark Montanari	AYE
Richard Crowley	AYE
Gerald Portante	AYE
Don MacIver	AYE
Peter Scott	AYE

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Appeals, if any, shall be made pursuant to Section 17 of Chapter 40A, 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

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 Special Permit 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.