

**WARRANT FOR
MONDAY, OCTOBER 29, 2018 at 7:00 PM
SPECIAL TOWN MEETING
TOWN OF LITTLETON**

**Commonwealth of Massachusetts
Middlesex, ss.**

To any Constable of the Town of Littleton in the County of Middlesex,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Littleton qualified to vote in the elections and Town affairs, to meet in the **Charles Forbes Kaye Gymnasium, Littleton Middle School, 55 Russell Street in said Town of Littleton on Monday, the Twenty-ninth day of October, 2018 at 7:00 o'clock in the evening** by posting a printed copy of this warrant, by you attested, at eight meeting houses, at the Town Office Building on Shattuck Street, at the Post Office at Littleton Common, at the Post Office at Littleton Depot, at the Baptist Church, at the Unitarian Church, at the Catholic Church, at the Congregational Church, and at the Mormon Church, in said Town, fourteen days at least before the Twenty-ninth day of October, 2018 then and there to act on the following Articles:

**ARTICLE 1
Board of Selectmen
Bills of Prior Years
*[9/10ths vote required]***

To see if the Town will vote to raise and appropriate or transfer from available funds a sum or sums of money to pay unpaid bills from prior fiscal years, or to take any other action in relation thereto.

**ARTICLE 2
Board of Selectmen
FY 2019 Budget Amendments**

To see if the Town will vote to amend the FY 2019 Operating Budget, as adopted pursuant to Article 4 of the May 7, 2018 Annual Town Meeting, by adjusting budget line items, or to take any other action in relation thereto.

**ARTICLE 3
Board of Selectmen
Fund Collective Bargaining Agreement**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum or sums for the purpose of funding a new collective bargaining agreement reached between the Town and the Littleton Professional Firefighters, I.A.F.F., Local 4599; or to take any other action in relation thereto.

**ARTICLE 4
Board of Selectmen
Local Excise on Retail Sales of Marijuana for Adult Use -3%**

To see if the Town will vote to accept the provisions of M.G.L. c. 64N, §3 to impose an excise on the retail sales of marijuana for adult use at the rate of three percent (3%); or to take any other action in relation thereto.

**ARTICLE 5
Board of Selectmen / Planning Board
Road Acceptance: Foster Street, from Taylor Street to Harwood Avenue**

To see if the Town will vote as follows:

Whereas, Foster Street was constructed prior to 1846; and

Whereas, Foster Street serves as a primary road in Littleton; and

Whereas, the Town has provided continuous and regular maintenance of Foster Street, and treated said road as a public way in all respects; and

Whereas, despite a review of Town records, a Town Meeting vote to accept Foster Street has not been identified; and

Whereas, in order accept state grant funds needed to upgrade Foster Street from Taylor Street to Harwood Avenue, the Town must demonstrate that said road is a public way.

Therefore, shall the Town vote to accept, as a Town way, the layout by the Board of Selectmen of the way known as “Foster Street” from Taylor Street to Harwood Avenue, and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain the land, rights, and easements therein for drainage, utility, or other purposes, all as shown on a plan entitled, “Street Acceptance Plan of Foster Street (from Taylor Street to Harwood Avenue), Littleton, Massachusetts”, dated September 6, 2018 and prepared by Sherman & Frydryk, LLC, and to name said street “Foster Street”; or to take any other action in relation thereto.

ARTICLE 6

Board of Selectmen / Planning Board

Transfer Ownership of Durkee Farm Parcels to Town of Littleton

[2/3rds vote required]

To see if the Town will vote to authorize the Board of Selectmen to acquire from Durkee Farm Builders, Inc., two parcels of land being shown as Open Space Parcel A and B on a plan of land entitled “Durkee Farm Estates, Definitive Plan of a Subdivision, Open Space Development Special Permit, Off Grimes Lane, Littleton, MA for Grimes Road, LLC” dated February 16, 2016, revised through June 1, 2016, prepared by Hancock Associates and recorded with Middlesex South District Registry of Deeds as Plan 606 of 2016, with Open Space Parcel A containing 3.264 acres, more or less, and Open Space Parcel B containing 5.822 acres, more or less; and provided that the property shall be held in the care, custody, control and management of the Board of Selectmen and the acquisition shall be subject to such terms and conditions as are agreed to by the Board; or to take any other action in relation thereto.

ARTICLE 7

Board of Selectmen / Water Commissioners

Transfer 74 Whitcomb Avenue Property from Highway to Water Department

[2/3rds vote required]

To see if the Town will vote to transfer care, custody, control and management of the parcel of land at 74 Whitcomb Avenue containing 2.75 acres, more or less, and shown on Littleton Assessors maps as parcel U40-15-0, from the Board of Selectmen and the Highway Department to the Water Department to be used for water department purposes, said transfer shall be subject to a vote of the Board of Selectmen to declare said parcel surplus to Board of Selectmen and Highway Department purposes; or to take any other action in relation thereto.

ARTICLE 8

Board of Selectmen

Supplemental FY 2019 Capital Items from Available Funds

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the following sums of money to be expended by the respective Departments or Officers indicated, for the capital projects and purchases itemized and described, or to take any other action in relation thereto.

- A. Traffic Signalization at Littleton High School / King Street Intersection - \$201,804 to be expended by the Highway Department and the School Committee for installation of phased traffic signals at the intersection of the Littleton High School entrance on King Street / State Routes 2A and 110.
- B. Master Plan Implementation – \$42,000 to be expended by the Master Plan Implementation Committee for costs associated with implementation of the master plan, including consulting services for development of form-based zoning amendments.
- C. Fire Department Ladder 2 Replacement - \$810,253 to be added to the \$200,000 appropriated under Art. 8, Item II-C of the May 7, 2018 Annual Town Meeting to be expended by the Fire Department to replace a 1988 Seagrave Ladder truck at a total cost of \$1,010,253.

or to take any other action in relation thereto.

ARTICLE 9

Board of Selectmen

Amend Town By-laws: Allow Alcohol on Town-owned Property

To see if the Town will vote to amend Town Code §53-1 to allow consumption of alcohol on certain or all Town-owned property, provided also that (1) the property’s custodial board grants its permission, and (2) the Board of Selectmen issues a special liquor license pursuant to M.G.L. c.138, §14, where applicable, so that said §53-1 reads as follows:

No person shall consume an alcoholic beverage as defined by General Laws Chapter 138, Section 1, as amended, or possess an opened container of such beverage, or smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol as defined by General Laws Chapter 94C, Section 1 within the limits of any park, playground, public building, schoolhouse, school grounds, cemetery, parking lot or any area owned by or under the control of the Town of Littleton nor shall any person consume an alcoholic beverage, or consume marijuana or tetrahydrocannabinol on any public way or way to which the public has a right of access as invitees or licensees, including any person in a motor vehicle while it is in, on, or upon any public way or any way to which the public has a right of access as aforesaid, within the limits of the Town of Littleton; *provided, however, that the sale, distribution, and consumption of alcohol may be permitted on all Town-owned property with the express written permission of the board or committee with the care, custody, and control of the Town-owned property, and provided further, that any such sale, distribution, and consumption be in compliance with M.G.L. c.138, §14, where applicable.*

ARTICLE 10
Board of Selectmen
Littleton Common Smart Sewer Design - Borrowing
[2/3rds vote required]

To see if the Town will vote to appropriate the sum of \$2,200,000 or any other sum to pay costs of design and engineering to sewer the Littleton Common area, including the payment of all costs incidental and related thereto; and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(7) or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. The Board of Selectmen is authorized to determine and assess betterments upon all properties benefited by these improvements. In accordance with M.G.L. c. 44, §20, the premium received by the Town upon the sale of any bonds or notes authorized by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed pursuant to this vote shall be reduced by the amount of any such premium so applied; or take any other action in relation thereto.

ARTICLE 11
Planning Board / Board of Selectmen
Zoning Amendment: Amend Accessory Apartments By-law
[2/3rds vote required]

To see if the Town will vote to amend the Zoning Bylaw as follows:

1. By deleting the definition of “Accessory Apartment” set forth in Article II, Definitions, Section 173-2, in its entirety.
2. By amending the definition of “Dwelling, Single-Family” set forth in Article II, Definitions, Section 173-2, to read as follows:

DWELLING, SINGLE-FAMILY – A dwelling other than a mobile home, singly and apart from any other building, used exclusively for residential purposes for one (1) family except as permitted pursuant to Article XIII, Accessory Dwelling Units.
3. By inserting in Article II, Definitions, Section 173-2, the following definitions in appropriate alphabetical order:

ACCESSORY DWELLING UNIT – The following dwelling units are classified as Accessory Dwelling Units:

 - A. ACCESSORY DEPENDENT DWELLING UNIT – An Interior Dwelling Unit that is occupied by one or more persons: (1) related by blood, marriage or adoption to the occupant(s) of the primary single-family dwelling unit; (2) functionally dependent (for medical or other reasons) on the occupant(s) of the primary single-family dwelling unit; or (3) upon whom the resident of the primary single-family dwelling unit is functionally dependent (for medical or other reasons).
 - B. ACCESSORY APARTMENT – An Interior Dwelling Unit provided with permanent fire rated separation, two separate means of egress and a Title V compliant septic system.
 - C. DETACHED ACCESSORY APARTMENT – A separate accessory dwelling unit, detached from a primary single-family dwelling.

FUNCTIONALLY DEPENDENT – with respect to a person, shall mean an individual who is dependent upon another for assistance relative to at least one activity of daily living, such as bathing, dressing, eating, mobility or similar self-care tasks, who is dependent upon another for assistance relative to other instrumental activities of daily living, such as managing money, shopping, taking medication, house cleaning, laundry, or cooking, or who is providing child care or au pair services.

INTERIOR DWELLING UNIT – A secondary dwelling unit that is within or created as an addition to a primary single-family dwelling.

4. By deleting from the table of uses set forth in Article V, Use Regulations, Section 173-26.B, Accessory Uses, the use “Accessory apartment (See Article XIII)” and the corresponding footnote 11.

5. By inserting in Article V, Use Regulations, Section 173-26.B, Accessory Uses, after “Accessory Business Uses and Active Farms” the following use categories and a new footnote 11:

Uses	R	VC	B	IA	IB
Accessory Dependent Dwelling Unit (See § 173-58)	Y	Y	Y	N ¹¹	N ¹¹
Accessory Apartment (See § 173-59)	Y	Y	Y	N ¹¹	N ¹¹
Detached Accessory Apartment (See § 173-60)	A	A	A	N ¹¹	N ¹¹

* * *

¹¹ Provided that Accessory Dwelling Units may be allowed in the IA or IB District by Special Permit from the Zoning Board of Appeals where such uses are made in connection with a lawfully preexisting Single-Family Dwelling.

6. By deleting Article XIII, Accessory Apartment, in its entirety and inserting, in place thereof, a new Article XIII, Accessory Dwelling Units, to read as follows:

ARTICLE XIII, Accessory Dwellings

§ 173-58. Accessory Dependent Dwelling Units.

Accessory Dependent Dwelling Units shall be allowed as set forth in § 173-26.B, provided that:

- A. The square foot area of the Accessory Dependent Dwelling Unit shall not exceed 1,200 square feet;
- B. The Board of Health determines that sewage disposal will be satisfactorily provided for, including provision for an appropriate reserve area on site;
- C. There shall be no more than one (1) Accessory Dwelling Unit per lot.
- D. The Accessory Dependent Dwelling Unit shall be designed to maintain the appearance of a single-family dwelling, subject to the following requirements.
 - i. Where two or more entrances exist on the front façade of the single-family dwelling, one entrance shall appear to be the principal entrance and other entrances shall appear to be secondary;
 - ii. A minimum of two (2) parking spaces are provided for the primary dwelling and two (2) additional parking spaces are provided for the Accessory Dependent Dwelling Unit, unless a lesser requirement is deemed adequate by the Board of Appeals. Parking spaces shall be constructed of materials consistent with the existing driveway and shall have vehicular access to the driveway;
- E. Where the driveway is located within fifteen (15) feet of the side lot line, at least four (4) feet of the driveway side yard, measured from the side lot line, shall be a buffer zone landscaped with non-invasive plantings;
- F. A certificate of occupancy for the Accessory Dependent Dwelling Unit described above shall be issued for a period of no greater than three (3) years or at the change of ownership. Renewal of a certificate of occupancy shall be granted only upon documentation to the Building Inspector that the requirements of this section are still in existence.

§ 173-59. Accessory Apartments.

Accessory Apartments shall be allowed as set forth in § 173-26.B, provided that:

- A. The primary single-family dwelling or the Accessory Apartment is owner-occupied;

- B. The square foot area of the Accessory Apartment shall not exceed the lesser of the dimensional limitations set forth in § 173-53 or 1,200 square feet
- C. The Board of Health determines that sewage disposal will be satisfactorily provided for, including provision for an appropriate reserve area on site;
- D. There shall be no more than one (1) Accessory Dwelling Unit per lot.
- E. The Accessory Apartment shall be designed to maintain the appearance of a single-family dwelling, subject to the following requirements.
 - i. Any addition shall not increase the gross floor area of the existing dwelling by more than 15%. Gross floor area for purposes of this provision shall be calculated as post construction gross floor area to include all habitable space including basement, 1st and 2nd levels and attached garage, excluding attics, decks and porches;
 - ii. There shall be two (2) separate means of egress from each Accessory Apartment and each primary residence as remote as possible from each other;
 - iii. Where two or more entrances exist on the front façade of the single-family dwelling, one entrance shall appear to be the principal entrance and other entrances shall appear to be secondary;
 - iv. All stairways to an Accessory Apartment above the first floor shall be enclosed within the exterior walls of the single-family dwelling or on the rear of the dwelling if constructed on an outer wall;
 - v. A minimum of two (2) parking spaces are provided for the primary dwelling and two (2) additional parking spaces are provided for the Accessory Dependent Dwelling Unit. Parking spaces shall be constructed of materials consistent with the existing driveway and shall have vehicular access to the driveway; and
 - vi. Accessory Apartments shall have no more than two (2) bedrooms.
- F. Where the driveway is located within fifteen (15) feet of the side lot line, at least four (4) feet of the driveway side yard, measured from the side lot line, shall be a buffer zone landscaped with non-invasive plantings.
- G. A certificate of occupancy for an Accessory Apartment shall note that it shall be valid for only so long as at least one of the units is owner-occupied.

§ 173-60. Detached Accessory Apartments.

The Zoning Board of Appeals may grant a special permit authorizing a Detached Accessory Apartment as set forth in § 173-26.B only if:

- A. The primary single-family dwelling or the Detached Accessory Apartment is owner-occupied;
- B. The square-foot area of detached structures inclusive of all accessory uses on the lot shall not exceed the dimensional limitations of § 173-53 and the Detached Accessory Apartment shall not exceed 1,200 square feet;
- C. There shall be no more than one (1) Accessory Dwelling Unit per lot.
- D. A minimum of two (2) parking spaces are provided for the primary dwelling and two (2) additional parking spaces are provided for the Detached Accessory Apartment. Parking spaces shall be constructed of materials consistent with the existing driveway and shall have vehicular access to the driveway; and
- E. Detached Accessory Apartments shall have no more than two (2) bedrooms;
- F. The Zoning Board of Appeals determines that the exterior appearance of the accessory structure is compatible with the principal single-family dwelling on the same lot and with dwellings and accessory structures on adjoining lots;
- G. A certificate of occupancy for a Detached Accessory Apartment shall note that it shall be valid for only so long as at least one of the units is owner-occupied; and
- H. The Board of Health determines that sewage disposal will be satisfactorily provided for, including provision for an appropriate reserve area on site.

or to take any other action in relation thereto.

ARTICLE 12
Planning Board / Board of Selectmen
Zoning Amendment: Amend Senior Residential Development By-law
[2/3rds vote required]

To see if the Town will vote to amend the Zoning Bylaw as follows:

1. By amending §173-145 to read as follows: “The purpose of this article is to provide for a variety of housing types, sizes, settings, residential services, and price points to meet the needs of people as they age and people with disabilities.”
2. By amending §173-146.A by adding a new subsection 4, to read as follows:
 4. Site within such proximity to the Village Common Business District, The Point, or the MBTA station so that, in the judgment of the Planning Board, one or more of these locations will serve to support senior health, mobility, independence and participation in the community.
3. By deleting from §173-148.E the phrase “not more than 25 percent of the required minimum open space” and inserting in its place “not more than twenty (20) percent of the required minimum open space”.
4. By amending §173-148 to add a new subsection G to read as follows:
 - G. All Senior Residential Developments shall include accessible common areas for seniors to congregate, sidewalks, walking paths, trails, and/or other passive or active recreation opportunities and appropriate lighting.
 - H. Notwithstanding anything contained in §173-198, for any Senior Residential Development subject to Article XXIX, Inclusionary Housing, fifty (50) percent of the dwelling units shall be affordable housing; provided that the Planning Board may reduce the required number of affordable units to not less than twenty-five (25) percent of the total dwelling units, and that in all cases the affordable units shall range from 60% to 150% AMI and the mix of affordability range of these units shall be at the discretion of the Planning Board. §173-205 shall not apply to Senior Residential Developments; all other requirements of Article XXIX shall remain fully applicable to Senior Residential Developments.
5. By amending §173-152 so that subsection 4 reads as follows: “The Senior Residential Development is consistent with the goals and intentions of the Littleton Master Plan.” or to take any other action in relation thereto.

Hereof fail not and make due return of the Warrant with your doings thereon to the Town Clerk at the time and place of meeting aforesaid.

SELECTMEN OF LITTLETON

Chairman

Clerk

Member

Member

Member

A TRUE COPY ATTEST:

Constable, Town of Littleton

CONSTABLE'S CERTIFICATION

I hereby certify under the pains and penalties of perjury that I posted an attested copy of this Warrant at the Town Office Building on Shattuck Street, at the Post Office at Littleton Common, at the Post Office at Littleton Depot, at the Baptist Church, at the Unitarian Church, at the Catholic Church, at the Congregational Church, and at the Mormon Church, in said Town, on the date attested. I further certify that this Warrant was posted in accordance with the Code of the Town of Littleton and the provisions of M.G.L. c.39, §10.

Attest: _____

Constable

Date: _____